

**MONDAY, APRIL 22, 1996**

**EIGHTY-SEVENTH LEGISLATIVE DAY**

The House met at 5:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Rev. George Donigian, The Upper Room, Nashville, Tennessee.

Representative Purcell led the House in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present ..... 99

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

**RECESS MOTION**

Rep. Purcell moved that, pursuant to Senate Joint Resolution No. 466, the House stand in brief recess for the purpose of recognizing James H. Quillen, U.S. Representative, and further moved that at the conclusion of the Joint Convention, the House reconvene, which motion prevailed.

**RECESS EXPIRED**

The recess having expired, the House was called to order by Mr. Speaker Naifeh.

**ROLL CALL DISPENSED WITH**

On motion of Rep. Purcell, the roll call was dispensed with.

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Joint Resolution No. 582:** Rep(s). White as prime sponsor(s).

**House Bill No. 2370:** Rep(s). Peach as prime sponsor(s).

**House Bill No. 2945:** Rep(s). Buck as prime sponsor(s).

**House Bill No. 2986:** Rep(s). Naifeh, Turner(Hamilton), Windle, Armstrong, McDaniel, Williams(Union), Burchett, Winningham, Bittle and Whitson as prime sponsor(s).

**MESSAGE FROM THE SENATE**

**April 19, 1996**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1914, 2098, 2162, 2224, 2459, 2511, 2613, 2942, 3005, 3151, 3212, 3295 and 3296; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**Senate Bill No. 1914** -- Mitchellville - Subject to local approval, authorizes borrowing of money not to exceed \$30,000; increases maximum tax rate from \$1.00/\$100 to \$2.00/\$100; authorizes dismissal of city employee with concurrence of three board members rather than five. Amends Chapter 429, Acts of 1909, as amended. by \*Wright.

**\*Senate Bill No. 2098** -- Motor Vehicles, Titling and Registration - Authorizes special license plates supporting passenger rail service. Amends TCA Title 55, Chapter 4. by \*Rice.

**Senate Bill No. 2162** -- Bruceton - Subject to local approval, increases terms of mayor and aldermen from two to four years; allows vice mayor to be independently chosen by board, without regard to votes received in general election. Amends Chapter 325 of the Private Acts of 1980. by \*Springer, \*Carter.

**\*Senate Bill No. 2224** -- Bail, Bail Bonds - Establishes continuing education requirements and procedures for professional bail bonding agents Amends TCA Title 40, Chapter 11. by \*Person.

**\*Senate Bill No. 2459** -- Insurance, Health, Accident - Revises Small Employer Group Health Coverage Reform Act. Amends TCA Title 56, Chapter 7, Part 22. by \*McNally.

**\*Senate Bill No. 2511** -- Osteopathy - Increases board of osteopathic examination from five to six; expands authority of board to investigate reports and discipline members; makes medical peer review provisions which apply to physicians applicable to osteopathic physicians. Amends TCA Title 63, Chapter 9, Part 1. by \*Crowe.

**MONDAY, APRIL 22, 1996 -- EIGHTY- SEVENTH LEGISLATIVE DAY**

**\*Senate Bill No. 2613** -- Motor Vehicles, Titling and Registration - Authorizes cultural license plate for "Friends of the Great Smoky Mountains." Amends TCA Title 55, Chapter 4. by \*Gilbert, \*Koella.

**\*Senate Bill No. 2942** -- Consumer Protection - Regulates certain telephone solicitations. Amends TCA Title 47, Chapter 18. by \*Fowler.

**\*Senate Bill No. 3005** -- Oakdale - Subject to local approval, revises charter relative to responsibilities of board of mayor and aldermen. Amends Chapter 51 of the Private Acts of 1995. by \*O'Brien.

**\*Senate Bill No. 3151** -- Welfare - Enacts "Families First Act of 1996." Amends TCA Section 13-28-103(4)(B); Section 67-6-667 and Title 71. by \*Atchley, \*Haun, \*Holcomb, \*McNally, \*Atchley, \*Gilbert, \*Koella, \*Miller J, \*Fowler, \*Elsea, \*Cooper, \*Burks, \*Womack, \*Wright, \*Rice, \*Jordan, \*Hamilton, \*Springer, \*Wilder, \*Carter, \*Ford J, \*Cohen, \*Person, \*Leatherwood, \*Dixon, \*Crowe.

**\*Senate Bill No. 3212** -- Securities - Revises Tennessee Securities Act of 1980. Amends TCA Title 48, Chapter 2, Part 1. by \*Dixon, \*Harper.

**Senate Bill No. 3295** -- Bluff City - Subject to local approval, rewrites city charter. by \*Holcomb.

**Senate Bill No. 3296** -- Bluff City - Subject to local approval, rewrites city charter. Repeals Chapter 496 of the Private Acts of 1929. by \*Holcomb.

**MESSAGE FROM THE SENATE  
April 19, 1996**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 452, 454, 456, 459, 460, 461, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 489 and 490; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**Senate Joint Resolution No. 452** -- Memorials, Personal Achievement - Leonora Jackson, U.S. citizenship. by \*Ford J, \*Cooper, \*Atchley.

**Senate Joint Resolution No. 454** -- Memorials, Death - Walter P. Armstrong, Sherlockian Scholar of Three Pipe Problem. by \*Cohen, \*Henry, \*Kyle.

**Senate Joint Resolution No. 456** -- Memorials, Sports - 1995-1996 Oakland High School boys' basketball team. by \*Womack, \*Womack.

**Senate Joint Resolution No. 459** -- Memorials, Interns - Melissa McConnell. by \*Rochelle.

**Senate Joint Resolution No. 460** -- Memorials, Recognition and Thanks - Woodland Hills, Inc. by \*Harper.

**MONDAY, APRIL 22, 1996 -- EIGHTY- SEVENTH LEGISLATIVE DAY**

**Senate Joint Resolution No. 461** -- Memorials, Sports - 1995-1996 Vanderbilt University women's basketball team. by \*Harper, \*Henry, \*Cohen, \*O'Brien, \*Jordan.

**Senate Joint Resolution No. 467** -- Memorials, Public Service - Copperweld Corporation. by \*Cooper.

**Senate Joint Resolution No. 468** -- Memorials, Sports - 1995-1996 Gordonsville High School boys' basketball team. by \*Rochelle.

**Senate Joint Resolution No. 469** -- Memorials, Death - Elder R.D. Brooks, Jr. by \*Rochelle.

**Senate Joint Resolution No. 470** -- Naming and Designating - "Senior Citizen Week," May 13-19, 1996. by \*Rochelle, \*Harper, \*O'Brien.

**Senate Joint Resolution No. 471** -- Memorials, Sports - 1995-1996 Boyd-Buchanan High School boys' basketball team, TSSAA Class A state champions. by \*Fowler, \*Crutchfield.

**Senate Joint Resolution No. 472** -- Memorials, Sports - 1995-1996 Perry County High School boys' basketball team. by \*Springer.

**Senate Joint Resolution No. 473** -- Memorials, Interns - Jorie Marie Nastoff. by \*Jordan.

**Senate Joint Resolution No. 474** -- Memorials, Retirement - Judge Elizabeth Jane Franks. by \*Jordan, \*Henry, \*O'Brien.

**Senate Joint Resolution No. 475** -- Memorials, Interns - John Arthur Carr. by \*Crowe.

**Senate Joint Resolution No. 476** - Memorials, Death - Aimee Carole Street. by \*Crowe.

**Senate Joint Resolution No. 478** - Memorials, Recognition and Thanks - Tennessee State Liar's Contest. by \*Springer.

**Senate Joint Resolution No. 479** -- Memorials, Sports - Coach Lamar Rogers. by \*O'Brien, \*O'Brien.

**Senate Joint Resolution No. 480** -- Memorials, Recognition and Thanks - Chris Haile, Senate clerk's office. by \*McNally, \*Rochelle, \*Wornack.

**Senate Joint Resolution No. 481** -- Memorials, Interns - Glen Watson. by \*McNally.

**Senate Joint Resolution No. 482** -- Memorials, Retirement - Flavious Smith, Tennessee Technological University. by \*Burks.

**MONDAY, APRIL 22, 1996 -- EIGHTY- SEVENTH LEGISLATIVE DAY**

**Senate Joint Resolution No. 483** -- Memorials, Death - Representative Fred Atchley. by \*Koella, \*Atchley, \*Burks, \*Carter, \*Cohen, \*Cooper, \*Crowe, \*Crutchfield, \*Dixon, \*Elsa, \*Ford J, \*Fowler, \*Gilbert, \*Hamilton, \*Harper, \*Haun, \*Haynes, \*Henry, \*Holcomb, \*Jordan, \*Kyle, \*Leatherwood, \*McNally, \*Miller J, \*O'Brien, \*Person, \*Rice, \*Rochelle, \*Springer, \*Wallace, \*Wilder, \*Womack, \*Wright.

**Senate Joint Resolution No. 484** -- Memorials, Recognition and Thanks - Walter Paul Swain. by \*Rochelle.

**Senate Joint Resolution No. 485** -- Memorials, Retirement - Elion Davis. by \*Cohen, \*Henry, \*O'Brien.

**Senate Joint Resolution No. 486** -- Memorials, Sports - East Tennessee State University men's golf team. by \*Crowe.

**Senate Joint Resolution No. 487** -- Memorials, Recognition and Thanks - 1996 legislative employees. by \*Wilder, \*Atchley, \*Crutchfield, \*Burks, \*Carter, \*Cohen, \*Cooper, \*Crowe, \*Dixon, \*Elsa, \*Ford J, \*Fowler, \*Gilbert, \*Hamilton, \*Harper, \*Haun, \*Haynes, \*Henry, \*Holcomb, \*Jordan, \*Koella, \*Kyle, \*Leatherwood, \*McNally, \*Miller J, \*O'Brien, \*Person, \*Rice, \*Rochelle, \*Springer, \*Wallace, \*Womack, \*Wright.

**Senate Joint Resolution No. 489** -- Memorials, Death - Elizabeth Kalogeros Webb. by \*Crowe.

**Senate Joint Resolution No. 490** -- Memorials, Retirement - Reverend Beverly A. Ashbury. by \*Cohen.

**MESSAGE FROM THE SENATE**

**April 19, 1996**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 458; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**Senate Joint Resolution No. 458** -- Memorials, Sports - 1995-1996 Perry County High School boys' basketball team. by \*Springer.

**MESSAGE FROM THE SENATE**

**April 22, 1996**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 466; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**SIGNED**

**April 22, 1996**

The Speaker signed the following: Senate Joint Resolution(s) No(s). 466.

**RESOLUTIONS**

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for April 23, 1996:

**House Resolution No. 243** -- Memorials, Interns - Jason Edward Bridgeman. by \*Arriola, \*Pruitt.

**House Resolution No. 244** -- Memorials, Public Service - Representative Roy B. Herron. by \*Ridgeway.

**House Resolution No. 245** -- Memorials, Death - Robert Houston "Bud" Lockhart. by \*Buck.

**House Resolution No. 246** -- Memorials, Interns - Michelle C. Moore. by \*Kernell, \*Brooks, \*Garrett.

**House Resolution No. 247--** Memorials, Personal Occasion - Charles Money, 100th birthday. by \*Rigsby.

**House Resolution No. 248** -- Memorials, Public Service - Representative Richard S. Venable. by \*Westmoreland, \*Naifeh.

**House Resolution No. 249** -- Memorials, Public Service - Representative Billy Rigsby. by \*Lewis, \*Naifeh, \*Rhinehart, \*Hargrove, \*Rinks.

**House Resolution No. 250** -- Memorials, Recognition and Thanks - Dr. Henry J. Lyons. by \*Langster.

**House Resolution No. 251** -- Memorials, Interns - Crystal Thomas. by \*Miller L.

**House Resolution No. 252** -- Memorials, Public Service - Representative Joe W. Bell. by \*Davis.

**House Resolution No. 253** -- Memorials, Interns - Richard Scott Wade. by \*Shirley, \*Haley.

**House Resolution No. 254** -- Memorials, Recognition and Thanks - Tsuru, Japan Cultural Mission Group. by \*Stamps.

**House Resolution No. 255** -- Memorials, Interns - Michael Sean Payne. by \*DeBerry J, \*Jones R (Shelby), \*Turner (Shelby), \*Brooks.

**House Resolution No. 256** -- Memorials, Interns - Chandra McWilliams. by \*Pruitt, \*Arriola.

**House Resolution No. 257** -- Memorials, Recognition and Thanks - Honorarium for Women and Industry. by \*Westmoreland, \*Ramsey, \*Venable.

**MONDAY, APRIL 22, 1996 -- EIGHTY- SEVENTH LEGISLATIVE DAY**

**House Resolution No. 258** -- Memorials, Interns - Novel Unique King. by \*DeBerry L.

**House Resolution No. 259** -- Memorials, Interns - Jana Vee Warren. by \*Davidson.

**House Resolution No. 260** -- Memorials, Interns - James C. Doriot, Jr. by \*Williams (Williamson).

**House Resolution No. 261** -- Memorials, Interns - Ebony Anderson. by \*DeBerry J.

**House Resolution No. 262** -- Memorials, Personal Occasion - Mr. and Mrs. Edsel Raines. by \*Williams (Union).

**House Resolution No. 263** -- Memorials, Death - Norman Bruce Wallace, Sr. by \*Williams (Williamson).

**House Resolution No. 264** -- Memorials, Death - Edith Lay Kitts. by \*Williams (Union).

**House Resolution No. 265** -- Memorials, Interns - Tracy Lafrance Welch. by \*Brown.

**House Joint Resolution No. 590** -- Memorials, Academic Achievement - Melinda Beckman, Valedictorian, Riverdale High School. by \*Beavers, \*Eckles.

**House Joint Resolution No. 591** -- Memorials, Academic Achievement - Ashley Barnickle, Salutatorian, Smyrna High School. by \*Beavers, \*Eckles.

**House Joint Resolution No. 594** -- Memorials, Academic Achievement - Hilary Hargrove, 1996 Valedictorian, Riverdale High School. by \*Beavers, \*Eckles.

**House Joint Resolution No. 595** -- Memorials, Academic Achievement - Andrea Rubendunst, Valedictorian, Riverdale High School. by \*Beavers, \*Eckles.

**House Joint Resolution No. 596** -- Memorials, Academic Achievement - Trey Hancock, 1996 Valedictorian, Smyrna High School. by \*Beavers, \*Eckles.

**House Joint Resolution No. 597** -- Memorials, Academic Achievement - Amber Ervin, Lebanon High School Salutatorian. by \*Beavers.

**House Joint Resolution No. 598** -- Memorials, Public Service - Honors Representative John T. Bragg. by \*Naifeh, \*Purcell, \*DeBerry L., \*Rhinehart, \*Armstrong, \*Arriola, \*Beavers, \*Bell, \*Bird, \*Bittle, \*Bowers, \*Boyer, \*Brooks, \*Brown, \*Buck, \*Burchett, \*Byrd, \*Callicott, \*Cantrell, \*Chumney, \*Clabough, \*Coffey, \*Cole (Carter), \*Cole (Dyer), \*Cross, \*Curtiss, \*Davidson, \*Davis, \*DeBerry J., \*Duer, \*Dunn, \*Eckles, \*Fitzhugh, \*Ford S, \*Fowlkes, \*Garrett, \*Givens, \*Gunnels, \*Haley, \*Halteman Harwell, \*Hargrove, \*Hassell, \*Head, \*Herron, \*Hicks, \*Huskey, \*Jackson, \*Jones U (Shelby), \*Jones R (Shelby), \*Jones, S., \*Joyce, \*Kent, \*Kernell, \*Kerr, \*Kisber, \*Langster, \*Lewis, \*McAfee, \*McDaniel, \*McDonald, \*McKee, \*McMillan, \*Miller L, \*Naifeh,

**MONDAY, APRIL 22, 1996 -- EIGHTY- SEVENTH LEGISLATIVE DAY**

\*Napier, \*Newton, \*Odom, \*Patton, \*Peach, \*Phelan, \*Phillips, \*Pinion, \*Pruitt, \*Ramsey, \*Ridgeway, \*Rigsby, \*Rinks, \*Ritchie, \*Roach, \*Robinson, \*Sharp, \*Shirley, \*Stamps, \*Stulce, \*Tindell, \*Towns, \*Turner (Hamilton), \*Turner (Shelby), \*Venable, \*Walley, \*West, \*Westmoreland, \*White, \*Whitson, \*Williams (Williamson), \*Williams (Union), \*Windle, \*Winningham, \*Wood.

**House Joint Resolution No. 599** -- Memorials, Professional Achievement - Charlotte M. McBee, Teacher of the Year. by \*West, \*Purcell.

**House Joint Resolution No. 600** -- Memorials, Retirement - Jimmy Rowe. by \*Ridgeway.

**House Joint Resolution No. 601** -- Memorials, Death - Georgia Belle Davidson. by \*Ridgeway.

**House Joint Resolution No. 602** -- Memorials, Public Service - Lois Parks. by \*Walley, \*Naifeh.

**House Joint Resolution No. 603** -- Memorials, Interns - Wendi Lovelace. by \*Byrd.

**House Joint Resolution No. 604** -- Memorials, Personal Occasion - Graydon and Peggy Tines, 50th wedding anniversary. by \*Byrd.

**House Joint Resolution No. 605** -- Memorials, Interns - Reginald Keith Bernard. by \*Byrd.

**House Joint Resolution No. 606** -- Memorials, Death - Lon H. Thorton, Sr. by \*Davis.

**House Joint Resolution No. 607** -- Memorials, Public Service - Representative David Coffey. by \*Davis.

**House Joint Resolution No. 608** -- Memorials, Public Service - Representative Shirley Duer. by \*Davis.

**House Joint Resolution No. 609** -- Memorials, Public Service - Representative Micheal R. Williams. by \*Davis.

**House Joint Resolution No. 610** -- Memorials, Public Service - Representative Clint Callicott. by \*Davis.

**House Joint Resolution No. 611** -- Memorials, Public Service - Representative Ron Ramsey. by \*Davis.

**House Joint Resolution No. 612** -- Memorials, Retirement - Dr. R. Wade Powers, President, Northeast State Technical Community College. by \*Venable, \*McDonald.

**House Joint Resolution No. 613** -- Memorials, Interns - Russell Jones. by \*Kernell.



**MONDAY, APRIL 22, 1996 -- EIGHTY- SEVENTH LEGISLATIVE DAY**

**House Joint Resolution No. 614** -- Memorials, Death - Byron Goldston Lasater. by \*Bell.

**House Joint Resolution No. 615** -- Memorials, Interns - Helen Livingston Huie. by \*West.

**House Joint Resolution No. 616** -- Memorials, Interns - Kyle Williams. by \*Ridgeway.

**House Joint Resolution No. 617** -- Memorials, Interns - April Marie Bowen. by \*Jones R (Shelby).

**House Joint Resolution No. 618** -- Memorials, Interns - Reginald Keith Bernard. by \*Jones U (Shelby), \*DeBerry J, \*Jones R (Shelby), \*Turner (Shelby), \*DeBerry L, \*Brooks, \*Miller L, \*Towns.

**House Joint Resolution No. 619** -- Memorials, Death - Linda Sue Garrison Mayo. by \*Jackson.

**House Joint Resolution No. 620** -- Memorials, Academic Achievement - Jaime Baber, Riverdale High School 1996 Valedictorian. by \*Beavers.

**SENATE JOINT RESOLUTIONS  
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for April 23, 1996:

**Senate Joint Resolution No. 491** -- Memorials, Retirement - Clyde W. McCullough, Jr., Chief Clerk of the Senate. by \*Wilder, \*Atchley, \*Burks, \*Carter, \*Cohen, \*Cooper, \*Crowe, \*Crutchfield, \*Dixon, \*Elsea, \*Ford J, \*Fowler, \*Gilbert, \*Hamilton, \*Harper, \*Haun, \*Haynes, \*Henry, \*Holcomb, \*Jordan, \*Koella, \*Kyle, \*Leatherwood, \*McNally, \*Miller J, \*O'Brien, \*Person, \*Rice, \*Rochelle, \*Springer, \*Wallace, \*Womack, \*Wright.

**Senate Joint Resolution No. 492** -- Memorials, Public Service - Theodore G. White, Jr., Montgomery County Citizen of the Year. by \*Rice.

**Senate Joint Resolution No. 493** -- Memorials, Interns - Kevin Davenport. by \*Womack.

**Senate Joint Resolution No. 494** -- Memorials, Interns - Debra Caston. by \*Womack.

**Senate Joint Resolution No. 495** -- Memorials, Interns - Megan A. Kingree. by \*Elsea.

**Senate Joint Resolution No. 496** -- Memorials, Public Service - Paul M. Starnes. by \*Crutchfield, \*Atchley, \*Burks, \*Carter, \*Cohen, \*Cooper, \*Crowe, \*Dixon, \*Elsea,

**MONDAY, APRIL 22, 1996 -- EIGHTY- SEVENTH LEGISLATIVE DAY**

\*Ford J, \*Fowler, \*Gilbert, \*Hamilton, \*Harper, \*Haun, \*Haynes, \*Henry, \*Holcomb, \*Jordan, \*Koella, \*Kyle, \*Leatherwood, \*McNally, \*Miller J, \*O'Brien, \*Person, \*Rice, \*Rochelle, \*Springer, \*Wallace, \*Wilder, \*Womack, \*Wright.

**Senate Joint Resolution No. 497** -- Memorials, Public Service - William C. Evans. by \*Crutchfield.

**Senate Joint Resolution No. 498** -- Memorials, Public Service - Kyle Edward Chinouth. by \*Crowe.

**Senate Joint Resolution No. 499** -- Memorials, Sports - East Tennessee State University men's golf team. by \*Crowe.

**Senate Joint Resolution No. 500** -- Memorials, Public Service - Officer D'Mitri Cannon, D.A.R.E. program. by \*Burks.

**Senate Joint Resolution No. 501** -- Memorials, Interns - Ginger Almon. by \*Burks.

**Senate Joint Resolution No. 502** -- Memorials, Interns - Catheryne Pulley. by \*Gilbert.

**Senate Joint Resolution No. 503** -- Memorials, Interns - Chris Mathews. by \*Gilbert.

**Senate Joint Resolution No. 508** -- Memorials, Death - McAllen Foutch, former Speaker of the House. by \*Burks, \*Henry.

**SENATE BILLS TRANSMITTED**

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

**Senate Bill No. 1914** -- Mitchellville - Subject to local approval, authorizes borrowing of money not to exceed \$30,000; increases maximum tax rate from \$1.00/\$100 to \$2.00/\$100; authorizes dismissal of city employee with concurrence of three board members rather than five. Amends Chapter 429, Acts of 1909, as amended. by \*Wright.

**\*Senate Bill No. 2098** -- Motor Vehicles, Titling and Registration - Authorizes special license plates supporting passenger rail service. Amends TCA Title 55, Chapter 4. by \*Rice.

**Senate Bill No. 2162** -- Bruceton - Subject to local approval, increases terms of mayor and aldermen from two to four years; allows vice mayor to be independently chosen by board, without regard to votes received in general election. Amends Chapter 325 of the Private Acts of 1980. by \*Springer, \*Carter.

**MONDAY, APRIL 22, 1996 -- EIGHTY- SEVENTH LEGISLATIVE DAY**

**\*Senate Bill No. 2224** -- Bail, Bail Bonds - Establishes continuing education requirements and procedures for professional bail bonding agents Amends TCA Title 40, Chapter 11. by \*Person.

**\*Senate Bill No. 2459** -- Insurance, Health, Accident - Revises Small Employer Group Health Coverage Reform Act. Amends TCA Title 56, Chapter 7, Part 22. by \*McNally.

**\*Senate Bill No. 2511** -- Osteopathy - Increases board of osteopathic examination from five to six; expands authority of board to investigate reports and discipline members; makes medical peer review provisions which apply to physicians applicable to osteopathic physicians. Amends TCA Title 63, Chapter 9, Part 1. by \*Crowe.

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**\*Senate Bill No. 2942** -- Consumer Protection - Regulates certain telephone solicitations. Amends TCA Title 47, Chapter 18. by \*Fowler.

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**\*Senate Bill No. 3212** -- Securities - Revises Tennessee Securities Act of 1980. Amends TCA Title 48, Chapter 2, Part 1. by \*Dixon, \*Harper.

**Senate Bill No. 3295** -- Bluff City - Subject to local approval, rewrites city charter. by \*Holcomb.

**Senate Bill No. 3296** -- Bluff City - Subject to local approval, rewrites city charter. Repeals Chapter 496 of the Private Acts of 1929. by \*Holcomb.

**HOUSE BILLS ON SECOND CONSIDERATION**

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

**House Bill No. 3309** -- Lexington -- Local Bill Held on House Desk

**House Bill No. 3310** -- Jackson -- Local Bill Held on House Desk

**MONDAY, APRIL 22, 1996 -- EIGHTY- SEVENTH LEGISLATIVE DAY**

**House Bill No. 3311** -- Signal Mountain -- Local Bill Held on House Desk  
**House Bill No. 3312** -- Rutherford County -- Local Bill Held on House Desk  
**House Bill No. 3313** -- Gibson County -- Local Bill Held on House Desk  
**House Bill No. 3314** -- Johnson County -- Local Bill Held on House Desk  
**House Bill No. 3315** -- Milan -- Local Bill Held on House Desk  
**House Bill No. 3316** -- Robertson County -- Local Bill Held on House Desk  
**House Bill No. 3317** -- Gibson County -- Local Bill Held on House Desk  
**House Bill No. 3318** -- Oakdale -- Local Bill Held on House Desk  
**House Bill No. 3319** -- Hardin County -- Local Bill Held on House Desk  
**House Bill No. 3320** -- Hardin County -- Local Bill Held on House Desk  
**House Bill No. 3321** -- Mitchellville -- Local Bill Held on House Desk  
**House Bill No. 3322** -- Cheatham County -- Local Bill Held on House Desk  
**House Bill No. 3323** -- Putnam County -- Local Bill Held on House Desk  
**House Bill No. 3324** -- Putnam County -- Local Bill Held on House Desk  
**House Bill No. 3325** -- Blount County -- Local Bill Held on House Desk  
**House Bill No. 3326** -- Blount County -- Local Bill Held on House Desk  
**House Bill No. 3327** -- Ripley -- Local Bill Held on House Desk  
**House Bill No. 3328** -- Rutherford County -- Local Bill Held on House Desk  
**House Bill No. 3329** -- Cookeville -- Local Bill Held on House Desk  
**House Bill No. 3330** -- Greenbrier -- Local Bill Held on House Desk

**REPORTS FROM STANDING COMMITTEES**

The committees that met on **April 22, 1996**, reported the following:

**CONSERVATION AND ENVIRONMENT**

The Conservation and Environment Committee recommended for passage: House Resolution(s) No(s). 200 and 204. Under the rules, each was transmitted to the Calendar and Rules Committee.

**GOVERNMENT OPERATIONS**

The Government Operations Committee recommended for passage: House Bill(s) No(s). 1848, 414, 2994, 2996, 2146 and 2120; also House Bill(s) No(s). 2460, 2462 and 2144 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

**STATE AND LOCAL GOVERNMENT**

The State and Local Government Committee recommended for passage: House Bill(s) No(s). 2283, House Joint Resolution(s) No(s). 536 and Senate Joint Resolution(s) No(s). 315. Under the rules, each was transmitted to the Calendar and Rules Committee.

**TRANSPORTATION**

The Transportation Committee recommended for passage: House Bill(s) No(s). 2092 and House Joint Resolution(s) No(s). 544. Under the rules, each was transmitted to the Calendar and Rules Committee.

**CONSENT CALENDAR**

**House Resolution No. 231** -- Memorials, Interns - Jason Alan Anderson. by \*Eckles, \*Pinion, \*Fitzhugh, \*White.

**House Resolution No. 232** -- Memorials, Interns - David Alan Bates. by \*Pinion, \*Fitzhugh, \*Eckles, \*White.

**House Resolution No. 233** -- Memorials, Interns - Allison Muia. by \*Purcell.

**House Resolution No. 234** -- Memorials, Recognition and Thanks - Mid-Cumberland Youth Development Advisory Board. by \*Purcell.

**House Resolution No. 236** -- Memorials, Death - Robert Frank Anderson, Sr. by \*Williams(Union).

**House Resolution No. 238** -- Memorials, Recognition and Thanks - Bristol Kiwanis Club. by \*Ramsey.

**House Resolution No. 239** -- Memorials, Interns - Kelley Jo Williams. by \*Ramsey.

**House Resolution No. 240** -- Memorials, Public Service - Lillian Keith Lewis. by \*Brown, \*Pruitt.

**House Resolution No. 241** -- Memorials, Interns - Selina M. Christian. by \*Hargrove.

**House Resolution No. 242** -- Memorials, Interns - Dorsey C. West. by \*Brown.

**MONDAY, APRIL 22, 1996 -- EIGHTY- SEVENTH LEGISLATIVE DAY**

**House Joint Resolution No. 570** -- Memorials, Public Service - Charles E. Stoker "Optimist of the Year". by \*Shirley.

**House Joint Resolution No. 572** -- Memorials, Interns - Charles Wayne Hancock. by \*Buck, \*Jackson, \*Williams (Williamson).

**House Joint Resolution No. 578** -- Memorials, Professional Achievement - Johnny Cash, 40th Anniversary of release of "I'll Walk the Line.". by \*Stamps.

**House Joint Resolution No. 579** -- Memorials, Interns - Lori Johnson. by \*Phillips.

**House Joint Resolution No. 580** -- Memorials, Interns - Tamara Loren Walters. by \*Byrd.

**House Joint Resolution No. 584** -- Memorials, Interns - Chastity Ann Gosnell. by \*Jones U (Shelby), \*Jones R (Shelby).

**House Joint Resolution No. 583** -- Memorials, Interns - Jacqueline Renee Henry. by \*Jones U (Shelby), \*Jones R (Shelby).

**House Joint Resolution No. 573** -- Memorials, Academic Achievement - Jamie Lynn Russell "Highest Honors". by \*Beavers, \*Fowlkes.

**House Joint Resolution No. 574** -- Memorials, Academic Achievement - Cindy Lynn Harper, Highest Honors Award, Marshall County High School. by \*Beavers.

**House Joint Resolution No. 575** -- Memorials, Sports - Shenna Bowling. by \*Davidson.

**House Joint Resolution No. 577** -- Memorials, Sports - 1995-1996 Bartlett High School boys' basketball team. by \*Byrd.

**House Joint Resolution No. 581** -- Memorials, Sports - 1995-1996 Perry County girls' basketball team. by \*Peach, \*McDaniel.

**House Joint Resolution No. 585** -- Memorials, Death - Representative Fred C. Atchley. by \*Huskey, \*Kerr, \*Bragg, \*Rhinehart, \*Clabough.

**House Joint Resolution No. 586** -- Memorials, Sports - Portland High School football team. by \*McDonald.

**House Joint Resolution No. 587** -- Memorials, Sports - 1995-1996 Gallatin High School girls' basketball team. by \*Stamps.

**House Bill No. 2875** -- Oakdale - Subject to local approval, revises charter relative to responsibilities of board of mayor and aldermen. Amends Chapter 51 of the Private Acts of 1995. by \*Windle. (\*SB3005 by \*O'Brien)

**MONDAY, APRIL 22, 1996 -- EIGHTY- SEVENTH LEGISLATIVE DAY**

On motion, House Bill No. 2875 was made to conform with **Senate Bill No. 3005**; the Senate Bill was substituted for the House Bill.

**House Bill No. 3251** -- Marshall County - Subject to local approval, creates "Marshall County Adequate Facilities Tax." by \*Fowlkes. (SB3243 by \*Jordan)

**House Bill No. 3306** -- Bluff City - Subject to local approval, rewrites city charter. by \*Ramsey. (SB3295 by \*Holcomb)

**House Bill No. 3307** -- Bluff City - Subject to local approval, rewrites city charter. Repeals Chapter 496 of the Private Acts of 1929. by \*Ramsey. (SB3296 by \*Holcomb)

**House Bill No. 3308** -- Paris - Authorizes Paris Special School District to issue \$2.3 million in capital outlay notes Amends Chapter 150 of the Private Acts of 1919. by \*Ridgeway. (SB3299 by \*Hamilton)

**House Joint Resolution No. 582** -- Memorials, Sports - 1995-1996 Wayne County girls' basketball team, TSSAA Class A state runner-up. by \*Peach, \*McDaniel.

**House Joint Resolution No. 588** -- Memorials, Interns - Joseph M. Barrett. by \*Phillips, \*Turner (Hamilton), \*Miller L.

**House Joint Resolution No. 589** -- Memorials, Interns - Christopher Matthew Rogers. by \*Beavers.

**House Joint Resolution No. 592** -- Memorials, Academic Achievement - Jason Rowe, Valedictorian, Laverne High School. by \*Beavers.

**House Joint Resolution No. 593** -- Memorials, Academic Achievement - Valerie McMurray, co-valedictorian, Laverne High School. by \*Beavers.

**Senate Joint Resolution No. 452** -- Memorials, Personal Achievement - Leonora Jackson, U.S. citizenship. by \*Ford J, \*Cooper, \*Atchley.

**Senate Joint Resolution No. 454** -- Memorials, Death - Walter P. Armstrong, Sherlockian Scholar of Three Pipe Problem. by \*Cohen, \*Henry, \*Kyle.

**Senate Joint Resolution No. 456** -- Memorials, Sports - 1995-1996 Oakland High School boys' basketball team. by \*Womack, \*Womack.

**Senate Joint Resolution No. 458** -- Memorials, Sports - 1995-1996 Perry County High School boys' basketball team. by \*Springer.

**Senate Joint Resolution No. 459** -- Memorials, Interns - Melissa McConnell. by \*Rochelle.

**Senate Joint Resolution No. 460** -- Memorials, Recognition and Thanks - Woodland Hills, Inc. by \*Harper.

**MONDAY, APRIL 22, 1996 -- EIGHTY- SEVENTH LEGISLATIVE DAY**

**Senate Joint Resolution No. 461** -- Memorials, Sports - 1995-1996 Vanderbilt University women's basketball team. by \*Harper, \*Henry, \*Cohen, \*O'Brien, \*Jordan.

**Senate Joint Resolution No. 467** -- Memorials, Public Service - Copperweld Corporation. by \*Cooper.

**Senate Joint Resolution No. 468** -- Memorials, Sports - 1995-1996 Gordonsville High School boys' basketball team. by \*Rochelle.

**Senate Joint Resolution No. 469** -- Memorials, Death - Elder R.D. Brooks, Jr. by \*Rochelle.

**Senate Joint Resolution No. 471** -- Memorials, Sports - 1995-1996 Boyd-Buchanan High School boys' basketball team, TSSAA Class A state champions. by \*Fowler, \*Crutchfield.

**Senate Joint Resolution No. 472** -- Memorials, Sports - 1995-1996 Perry County High School boys' basketball team. by \*Springer.

**Senate Joint Resolution No. 473** -- Memorials, Interns - Jorie Marie Nastoff. by \*Jordan.

**Senate Joint Resolution No. 474** -- Memorials, Retirement - Judge Elizabeth Jane Franks. by \*Jordan, \*Henry, \*O'Brien.

**Senate Joint Resolution No. 475** -- Memorials, Interns - John Arthur Carr. by \*Crowe.

**Senate Joint Resolution No. 476** -- Memorials, Death - Aimee Carole Street. by \*Crowe.

**Senate Joint Resolution No. 479** -- Memorials, Sports - Coach Lamar Rogers. by \*O'Brien, \*O'Brien.

**Senate Joint Resolution No. 480** -- Memorials, Recognition and Thanks - Chris Haile, Senate clerk's office. by \*McNally, \*Rochelle, \*Womack.

**Senate Joint Resolution No. 481** -- Memorials, Interns - Glen Watson. by \*McNally.

**Senate Joint Resolution No. 482** -- Memorials, Retirement - Flavious Smith, Tennessee Technological University. by \*Burks.

**Senate Joint Resolution No. 483** -- Memorials, Death - Representative Fred Atchley. by \*Koella, \*Atchley, \*Burks, \*Carter, \*Cohen, \*Cooper, \*Crowe, \*Crutchfield, \*Dixon, \*Elsea, \*Ford J., \*Fowler, \*Gilbert, \*Hamilton, \*Harper, \*Haun, \*Haynes, \*Henry, \*Holcomb, \*Jordan, \*Kyle, \*Leatherwood, \*McNally, \*Miller J., \*O'Brien, \*Person, \*Rice, \*Rochelle, \*Springer, \*Wallace, \*Wilder, \*Womack, \*Wright.



**MONDAY, APRIL 22, 1996 -- EIGHTY- SEVENTH LEGISLATIVE DAY**

**Senate Joint Resolution No. 484** -- Memorials, Recognition and Thanks - Walter Paul Swain. by \*Rochelle.

**Senate Joint Resolution No. 485** -- Memorials, Retirement - Elion Davis. by \*Cohen, \*Henry, \*O'Brien.

**Senate Joint Resolution No. 486** -- Memorials, Sports - East Tennessee State University men's golf team. by \*Crowe.

**Senate Joint Resolution No. 487** -- Memorials, Recognition and Thanks - 1996 legislative employees. by \*Wilder, \*Atchley, \*Crutchfield, \*Burks, \*Carter, \*Cohen, \*Cooper, \*Crowe, \*Dixon, \*Elsea, \*Ford J, \*Fowler, \*Gilbert, \*Hamilton, \*Harper, \*Haun, \*Haynes, \*Henry, \*Holcomb, \*Jordan, \*Koella, \*Kyle, \*Leatherwood, \*McNally, \*Miller J, \*O'Brien, \*Person, \*Rice, \*Rochelle, \*Springer, \*Wallace, \*Womack, \*Wright.

**Senate Joint Resolution No. 489** -- Memorials, Death - Elizabeth Kalogeros Webb. by \*Crowe.

**Senate Joint Resolution No. 490** -- Memorials, Retirement - Reverend Beverly A. Ashbury. by \*Cohen.

**OBJECTION -- CONSENT CALENDAR**

Objection(s) was/were filed to the following on the Consent Calendar:

**House Bill No. 3251:** by Rep. Fowlkes.

**House Bill No. 3306:** by Rep. Jones R (Shelby).

**House Bill No. 3307:** by Rep. Jones R (Shelby).

Under the rules, House Bill No: 3251, 3306 and 3307 was/were placed at the foot of the calendar for April 23, 1996.

Rep. McAfee moved that all those voting aye be added as prime sponsors on House Joint Resolution No. 585, which motion prevailed.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes..... 99  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney,

**MONDAY, APRIL 22, 1996 -- EIGHTY- SEVENTH LEGISLATIVE DAY**

Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

**REGULAR CALENDAR**

**House Bill No. 2051** -- Education - Requires compliance with state rules, policies and procedures only in school systems in which state pays at least 50 percent of total system budget. Amends TCA Title 49, Chapter 1; Title 49, Chapter 2 and Title 49, Chapter 6. by \*Stulce. (\*SB1946 by \*Crutchfield)

Further consideration of House Bill No. 2051, previously considered on April 8, 1996, at which time the House adopted Amendment No. 1, and reset to today's Calendar.

On motion of Rep. Stulce, **House Bill No. 2051** was withdrawn from the House.

**House Bill No. 1539** -- Education - Deletes requirement that any superintendent or director of schools, appointed to such office by popularly elected school board, only have baccalaureate degree in order to hold such office. Amends TCA 49-2-301. by \*Winningham, \*McAfee, \*Duer, \*Curtiss. (\*SB1333 by \*Burks)

Further consideration of House Bill No. 1539, previously considered on April 6, 1995, April 10, 1995 and April 13, 1995, at which time the House withdrew Amendment No. 1 and adopted Amendment(s) No(s). 2 and 3. The House further considered House Bill No. 1539 on May 11, 1995, May 17, 1995, February 29, 1996, March 21, 1996 and March 27, 1996, at which time the House adopted Amendment(s) No(s). 5, 8, 9, 12, 13, 14 and 15. House Bill No. 1539 was further considered on April 4, 1996, and reset to today's Calendar.

Rep. Ridgeway moved that House Bill No(s). 1539 be reset to the Regular Calendar for April 25, 1996, which motion prevailed.

**House Bill No. 2879** -- Consumer Protection - Regulates certain telephone solicitations. Amends TCA Title 47, Chapter 18. by \*Stamps, \*Ritchie. (\*SB2942 by \*Fowler)

**MONDAY, APRIL 22, 1996 -- EIGHTY- SEVENTH LEGISLATIVE DAY**

Further consideration of House Bill No. 2879, previously considered on April 15, 1996, and reset to today's Calendar.

On motion, House Bill No. 2879 was made to conform with **Senate Bill No. 2942**; the Senate Bill was substituted for the House Bill.

Rep. Stamps moved that Senate Bill No. 2942, be passed on third and final consideration.

Rep. Armstrong moved adoption of Consumer and Employee Affairs Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 2942 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 47, Chapter 18, is amended by adding the following as a new section, to be appropriately designated:

Section \_\_\_\_.

(a) As used in this section:

(1) "Telephonic sales call" means a call made by a telephone solicitor to a consumer, for the purpose of soliciting a sale of any consumer goods or services, or for the purpose of soliciting an extension of credit for consumer goods or services, or for the purpose of obtaining information that will or may be used by the solicitor or a third party for the direct solicitation of a sale of consumer goods or services or an extension of credit for such purposes or in connection with prizes, gifts or awards presentations;

(2) "Unsolicited telephonic sales call" means a telephonic sales call other than a call made:

(A) in response to an express request of the person called; or

(B) primarily in connection with an existing debt or contract, payment or performance of which has not been completed at the time of such call; or

(C) to any person with whom the telephone solicitor has a prior or existing business relationship;

(3) "Telephone solicitor" means any natural person, firm, organization, partnership, association or corporation, or a subsidiary or affiliate thereof, doing business in this state, who makes or causes to be made a telephonic sales call, including, but not limited to, calls made by use of automated dialing or recorded message devices;

(4) "Consumer" means an actual or prospective purchaser, lessee or recipient of consumer goods or services; and

(5) "Division" means the division of consumer affairs of the department of commerce and insurance.

(b)(1) No telephone solicitor shall make or cause to be made any unsolicited telephonic sales call to any residential, mobile or telephonic paging device telephone number unless such person or entity has instituted procedures for maintaining a list of persons who do not wish to receive telephone solicitations made by or on behalf of that person or entity, in compliance with 47 CFR 64 or 16 CFR 310.

(b)(2) Nothing in this act shall apply to calls by a licensed insurance agent or persons working under the direction of a licensed insurance agent that are not for the purpose of completing the sale of an insurance contract over the telephone.

(c) The division shall investigate any complaints received concerning violations of this section pursuant to § 47-18-106. The civil penalty shall not exceed one thousand dollars (\$1000) per violation. This civil penalty may be recovered in any action brought under this part by the division, or the division may terminate any investigation or action upon agreement by the person to pay a stipulated civil penalty. The division or the court may waive any civil penalty if the person has previously made full restitution or reimbursement or has paid actual damages to the consumers who have been injured by the violation. It shall be an affirmative defense in any action brought under this paragraph that the defendant has established and implemented reasonable practices and procedures to effectively prevent telephone solicitations in violation of the regulations established in this section.

**MONDAY, APRIL 22, 1996 -- EIGHTY- SEVENTH LEGISLATIVE DAY**

SECTION 2. This act shall take effect January 1, 1997, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Armstrong moved adoption of Consumer and Employee Affairs Committee Amendment No. 2 as follows:

**Amendment No. 2**

AMEND Senate Bill No. 2942 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. Nothing in this act shall apply to calls made to:

(1) Establish an appointment to solicit the purchase of a consumer good or service;

(2) A consumer whose identity was provided to the telephone solicitor by a person who knows the consumer;

(3) An actual or prospective seller or lessor of real property when such call is made in response to a yard sign or other form of advertisement placed by the seller or lessor.

On motion, Amendment No. 2 was adopted.

Rep. Stamps moved that **Senate Bill No. 2942**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 99  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

**MONDAY, APRIL 22, 1996 -- EIGHTY- SEVENTH LEGISLATIVE DAY**

**House Bill No. 336** -- Education - Requires local school funding be distributed on basis of weighted full-time equivalent average daily membership (WFTEADM) rather than daily attendance (WFTEADA). Amends TCA 49-3-315. by \*Towns. (\*SB162 by \*Cohen)

Further consideration of House Bill No. 336, previously considered on April 15, 1996, and reset to today's Calendar.

Rep. Towns moved that House Bill No. 336 be re-referred to the Committee on Calendar and Rules, which motion prevailed.

**House Bill No. 2945** -- Workers' Compensation - Requires all subcontractors and those engaged in the construction industry to carry workers' compensation insurance regardless of size. Amends TCA Title 50, Chapter 6. by \*Williams (Williamson). (\*SB2513 by \*Person, \*Crowe)

Rep. Williams(Williamson) moved that House Bill No(s). 2945 be reset to the Regular Calendar for April 23, 1996, which motion prevailed.

**\*House Bill No. 2538** -- Massage - Redefines "massage establishment" to be business held out to the public; authorizes massage licensure board to promulgate rules and regulations pertaining to ethics, to define somatic therapy and set all education and other requirements for licensure. Amends TCA Title 63, Chapter 18, Part 2. by \*Chumney, \*Odom. (SB2883 by \*Jordan)

Further consideration of House Bill No. 2538, previously considered on April 15, 1996, and reset to today's Calendar.

On motion, House Bill No. 2538 was made to conform with **Senate Bill No. 2883**; the Senate Bill was substituted for the House Bill.

Rep. Chumney moved that Senate Bill No. 2883, be passed on third and final consideration.

Rep. Byrd moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:  
**Amendment No. 1**

AMEND Senate Bill No. 2883 by adding the following as a new section immediately preceding the effective date section:

Section \_\_\_\_\_. Therapeutic massages included within the definition of "massage" in Title 63, Chapter 18, are exempt from the sales and use tax imposed by Title 67, Chapter 6, whether such massages were performed prior to or after October 1, 1995.

AND FURTHER AMEND by adding the following language to the end of the amendatory language of Section 3 of the printed bill:

**MONDAY, APRIL 22, 1996 -- EIGHTY- SEVENTH LEGISLATIVE DAY**

(f) All continuing education and other requirements for renewal of licensure not enumerated in this chapter shall be set by the board.

On motion, Amendment No. 1 was adopted.

Rep. Chumney moved that **Senate Bill No. 2883**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	93
Noes .....	1
Present and not voting.....	3

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Langster, Lewis, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walley, West, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives voting no were: Boyer -- 1.

Representatives present and not voting were: Kisber, Venable, Westmoreland -- 3.

A motion to reconsider was tabled.

**House Bill No. 2232 --** Bail, Bail Bonds - Establishes continuing education requirements and procedures for professional bail bonding agents Amends TCA Title 40, Chapter 11, by \*Buck. (\*SB2224 by \*Person)

Further consideration of House Bill No. 2232, previously considered on April 15, 1996, at which time the House adopted Amendment(s) No(s). 1, 2 and 3, and reset to today's Calendar.

On motion, House Bill No. 2232 was made to conform with **Senate Bill No. 2224**; the Senate Bill was substituted for the House Bill.

Rep. Buck moved that **Senate Bill No. 2224** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	98
Noes .....	1

**MONDAY, APRIL 22, 1996 -- EIGHTY- SEVENTH LEGISLATIVE DAY**

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

Representatives voting no were: McKee -- 1.

A motion to reconsider was tabled.

**House Bill No. 2507** -- Judges and Chancellors - Removes authority for selection of special judge when judge fails to appear. Amends TCA Title 16 and Title 17, Chapter 2. by \*Buck, \*Eckles, \*Bragg, \*Jackson, \*Williams (Williamson). (\*SB2160 by \*Person)

Further consideration of House Bill No. 2507, previously considered on April 15, 1996, and reset to today's Calendar.

Rep. Buck moved that House Bill No(s). 2507 be reset to the next available space on the next available Regular Calendar, which motion prevailed.

**House Bill No. 2986** -- Taxes, Sales - Exempts medical baths for pets and legend drugs used for pets by vets from sales and use tax. Amends TCA Title 67, Chapter 6. by \*Kisber, \*Fitzhugh, \*Cross, \*Head, \*Rinks, \*Venable, \*Kent, \*Cole (Carter), \*Walley, \*DeBerry L., \*Purcell, \*Byrd, \*Whitson, \*Davis, \*Bell, \*Jackson, \*Gunnels, \*Odom, \*West. (\*SB2373 by \*Rochelle, \*McNally)

Rep. Kisber moved that House Bill No. 2986 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2986 by deleting the language of Section 2 of the bill in its entirety and substituting instead the following:

Section 2. Tennessee Code Annotated, Title 67, Chapter 6, Part 3, is amended by adding a new section as follows:



**MONDAY, APRIL 22, 1996 -- EIGHTY- SEVENTH LEGISLATIVE DAY**

Veterinarians shall be considered the users and consumers of all legend drugs purchased by them for use or resale in the practice of veterinary medicine. All such legend drugs shall be subject to sales or use tax on the cost price to the veterinarian, unless exempt as livestock medication or wormers.

AND FURTHER AMEND by deleting the language of Section 3 of the bill in its entirety and substituting instead the following:

Section 3. This act shall take effect on July 1, 1996, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Kisber moved that **House Bill No. 2986**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	98
Noes .....	0
Present and not voting .....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

Representatives present and not voting were: Tindell -- 1.

A motion to reconsider was tabled.

**House Bill No. 2706** -- Education - Revises compulsory attendance law to excuse any child, rather than only those 17 or older, when enrollment is not of substantial benefit to child. Amends TCA Title 49, Chapter 6, Part 30. by \*Davidson. (\*SB2702 by \*Womack)

On motion, House Bill No. 2706 was made to conform with **Senate Bill No. 2702**; the Senate Bill was substituted for the House Bill.

Rep. Davidson moved that Senate Bill No. 2702 be passed on third and final consideration.

**MONDAY, APRIL 22, 1996 -- EIGHTY- SEVENTH LEGISLATIVE DAY**

On motion, Rep. Davidson withdrew Education Committee Amendment No. 1.

Rep. Davidson moved that **Senate Bill No. 2702** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	89
Noes .....	5
Present and not voting.....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Buck, Burchett, Callicott, Cantrell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, S., Jones, U. (Shelby), Joyce, Kent, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odum, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 89.

Representatives voting no were: Byrd, Coffey, Jones, R. (Shelby), Tindell, Turner (Shelby) -- 5.

Representatives present and not voting were: Kernell -- 1.

A motion to reconsider was tabled.

**House Bill No. 2707** -- Teachers - Revises testing requirements relative to teacher licensure examination. Amends TCA Section 49-5-102 and Section 49-5-5605. by \*Davidson. (\*SB2703 by \*Womack)

Rep. Davidson moved that House Bill No. 2707 be passed on third and final consideration.

Rep. Davidson requested that Education Amendment No. 1 be moved to the heel of the Amendments.

Rep. Davidson requested that Education Amendment No. 2 be moved to the heel of the Amendments.

Rep. Davidson moved adoption of Amendment No. 3 as follows:

**Amendment No. 3**

AMEND House Bill No. 2707 by deleting Section 2 of the printed bill and substituting the following:

SECTION 2. Tennessee Code Annotated, Section 49-5-5605, is amended by deleting the existing language in its entirety and replacing it with the following:

All students desiring a license to teach must pass both a test that measures such areas as communication skills, general knowledge, and professional knowledge, and a standardized or criterion-referenced test for the desired area of endorsement. These tests shall be developed or acquired by the department of education, validated and administered by the department at each institution or made available through the regular administration offered by a national testing organization. These tests shall be secure. Before such tests are placed in use, the board shall submit the tests to the joint oversight committee on education for review and comment.

On motion, Amendment No. 3 was adopted.

On motion, Rep. Davidson withdrew Education Committee Amendment No. 1.

On motion, Rep. Davidson withdrew Education Committee Amendment No. 2.

Rep. Davidson moved that **House Bill No. 2707**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	92
Noes .....	0
Present and not voting .....	6

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Boyer, Bragg, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Wood, Mr. Speaker Naifeh -- 92.

Representatives present and not voting were: Bell, Bowers, Brooks, Brown, Peach, Winningham -- 6.

A motion to reconsider was tabled.

**\*House Bill No. 2370** -- Crime, Victims of - Gives victim of crime against person or victim's representative right to be present in courtroom at all times during trial or other

**MONDAY, APRIL 22, 1996 -- EIGHTY- SEVENTH LEGISLATIVE DAY**

adjudicatory hearing of defendant charged with committing crime against victim. Amends TCA Title 40, Chapter 38, Part 1. by \*Jackson. (SB2543 by \*Springer)

Rep. Jackson moved that House Bill No. 2370 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2370 by deleting the amendatory language of SECTION 1 and substituting instead the following:

At the request of a party the court shall order witnesses, including rebuttal witnesses, excluded at trial or other adjudicatory hearing. In the court's discretion, the requested sequestration may be effective before voir dire, but in any event shall be effective before opening statements. The court shall order all persons not to disclose by any means to excluded witnesses any live trial testimony or exhibits created in the courtroom by a witness. This section does not authorize exclusion of (1) a party who is a natural person, or (2) a person designated by counsel for a party that is not a natural person, or (3) a person whose presence is shown by a party to be essential to the presentation of the party's cause. This section does not forbid testimony of a witness called at the rebuttal stage of a hearing if, in the court's discretion, counsel is genuinely surprised and demonstrates a need for rebuttal testimony from an unsequestered witness.

SECTION 2. The Tennessee Code Commission is directed to publish the following as comments of the General Assembly to Section 1 of this act:

**General Assembly Comments**

This section contains three changes from Rule 615 of the Tennessee Rules of Evidence. One gives the court discretion to delay sequestration until after voir dire, perhaps because of a need to ask prospective jurors whether they know the witnesses.

The second change modifies the second category of persons not sequestered. A "party that is not a natural person" includes, among other entities, a corporation and the State of Tennessee. Consequently, the prosecuting attorney could designate a crime victim, a relative of the crime victim, or an investigating officer. Like category (1), category (2) is a matter of right. Category (3), in contrast, is a matter of judicial discretion.

The third change is addition of a sentence at the end of the section to give the court authority to make an exception for rebuttal witnesses. Such an exception requires, however, a dual showing of genuine surprise and demonstrable need.

**MONDAY, APRIL 22, 1996 -- EIGHTY- SEVENTH LEGISLATIVE DAY**

Note that the section prohibits disclosure of live testimony "by any means". A lawyer may mention subject matter to a witness not yet called, even though the subject matter has been raised by evidence. Care must be taken, however, to avoid implying to the potential witness what an earlier witness said from the stand.

On motion, Amendment No. 1 was adopted.

Rep. Jackson moved that **House Bill No. 2370**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 99  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

**\*House Bill No. 2253** -- Education - Removes private and parochial schools from attendance and truancy report requirements for children less than seven years of age. Amends TCA Section 49-6-3007. by \*Joyce. (SB2401 by \*Fowler)

On motion, House Bill No. 2253 was made to conform with **Senate Bill No. 2401**; the Senate Bill was substituted for the House Bill.

Rep. Joyce moved that Senate Bill No. 2401, be passed on third and final consideration.

Rep. Davidson moved adoption of Education Committee Amendment No. 1 as follows:  
**Amendment No. 1**

AMEND Senate Bill No. 2401 by redesignating Section 2 of the printed bill to be Section 3 and by adding a new Section 2, as follows:

**MONDAY, APRIL 22, 1996 -- EIGHTY- SEVENTH LEGISLATIVE DAY**

SECTION 2. Tennessee Code Annotated, Section 49-6-3007, is further amended by adding at the end of subsections (c) and (d) the following sentence:

Notwithstanding the provisions of subsection (g) of this section, the provisions of this subsection shall apply to any child less than seven (7) years of age who is enrolled in any school to which the provisions of this subsection is applicable.

On motion, Amendment No. 1 was adopted.

Rep. Joyce moved that **Senate Bill No. 2401**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	77
Noes .....	6
Present and not voting .....	14

Representatives voting aye were: Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Buck, Burchett, Callicott, Cantrell, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, Duer, Dunn, Eckles, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, S., Joyce, Kent, Kernell, Kerr, Kisber, Langster, McAfee, McDaniel, McDonald, McKee, Napier, Newton, Patton, Peach, Phelan, Phillips, Pinion, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 77.

Representatives voting no were: Byrd, DeBerry, L., Miller, Pruitt, Towns, Turner (Shelby) -- 6.

Representatives present and not voting were: Armstrong, Brooks, Brown, Chumney, Halteman Harwell, Jones, R. (Shelby), Jones, U. (Shelby), Lewis, McMillan, Odom, Purcell, Ritchie, Williams (Union), Williams (Williamson) -- 14.

A motion to reconsider was tabled.

**REQUEST TO CHANGE VOTE**

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from aye to present and not voting on House Bill No. 2253 and have this statement entered in the Journal: Rep(s). Langster.

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 1119** -- Judicial Officers - Revises schedule of fees clerks of probate courts authorized to charge. Amends TCA 8-21-401. by \*Joyce. (\*SB856 by \*Person)

**MONDAY, APRIL 22, 1996 -- EIGHTY- SEVENTH LEGISLATIVE DAY**

On motion, House Bill No. 1119 was made to conform with **Senate Bill No. 856**; the Senate Bill was substituted for the House Bill.

Rep. Joyce moved that Senate Bill No. 856, be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Turner (Shelby) moved that Senate Bill No. 856 be re-referred to the Committee on Calendar and Rules, which motion prevailed.

**House Bill No. 2432** -- Business and Commerce - Requires vendors selling new and unused personal property at flea markets to maintain records of where such property was obtained; makes such records open for inspection by law enforcement officers Amends TCA Title 39, Chapter 14, Part 1. by \*Dunn, \*Clabough, \*Tindell. (\*SB2461 by \*McNally)

On motion, House Bill No. 2432 was made to conform with **Senate Bill No. 2461**; the Senate Bill was substituted for the House Bill.

Rep. Dunn moved that Senate Bill No. 2461, be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 2.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 3.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 4 as follows:

**Amendment No. 4**

AMEND Senate Bill No. 2461 by deleting subsection (a)(1) of the amendatory language of SECTION 2 and substituting instead the following:

(a) As used in this act:

(1) "Flea market" means any event:

(A) At which two (2) or more persons offer personal property for sale or exchange; and

(B) Regardless of the number of persons offering or displaying personal property or the absence of fees, at which such property is offered or displayed for sale or exchange if the event is held more than six (6) times in any twelve (12) month period; and

(C) At which a fee is charged for the privilege of offering or displaying such personal property; or

(D) At which a fee is charged to prospective buyers for admission to the area where such personal property is offered or displayed for sale.

On motion, Amendment No. 4 was adopted.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 5 as follows:

**Amendment No. 5**

AMEND Senate Bill No. 2461 by deleting subsection (e)(2) of the amendatory language of SECTION 2 and substituting instead the following:

(2)(A) For the first violation of subpart (1) of this subsection, the violator shall be issued a warning and informed of the penalty for any subsequent violations.

(B) A second or subsequent violation of subpart (1) of this subsection is a Class B misdemeanor punishable by fine only.

On motion, Amendment No. 5 was adopted.

Rep. Buck moved adoption of Amendment No. 6 as follows:

**Amendment No. 6**

AMEND Senate Bill No. 2461 by deleting from subsection (b)(2) of the amendatory language of Section 2 the word "purpose" and substituting instead the word "purchase".

On motion, Amendment No. 6 was adopted.

Rep. Turner(Hamilton) moved the previous question, which motion prevailed by the following vote:

Ayes .....	63
Noes .....	23
Present and not voting .....	1

Representatives voting aye were: Armstrong, Arriola, Bell, Bird, Bittle, Bowers, Boyer, Buck, Burchett, Byrd, Chumney, Clabough, Coffey, Cole (Carter), Cross, Curtiss, Davidson, Davis, DeBerry, L., Duer, Eckles, Ford, Fowlkes, Garrett, Givens, Halteman Harwell, Hassell, Head, Hicks, Huskey, Jones, S., Kent, Kerr, Kisber, Lewis, McDonald, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Purcell, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Shirley, Stamps, Tindell, Towns, Turner (Shelby), West, Westmoreland, Williams (Union), Windle, Winningham -- 63.



**MONDAY, APRIL 22, 1996 -- EIGHTY- SEVENTH LEGISLATIVE DAY**

Representatives voting no were: Beavers, Bragg, Brooks, Brown, Callicott, Cole (Dyer), Fitzhugh, Gunnels, Haley, Hargrove, Herron, Jackson, Jones, U. (Shelby), McAfee, McDaniel, McKee, Ramsey, Sharp, Stulce, Venable, Walley, White, Wood -- 23.

Representatives present and not voting were: Kernell -- 1.

Rep. Dunn moved that **Senate Bill No. 2461**, as amended, be passed on third and final consideration, which motion failed by the following vote:

Ayes.....	41
Noes .....	48
Present and not voting.....	8

Representatives voting aye were: Bird, Bittle, Boyer, Buck, Burchett, Byrd, Clabough, Coffey, Cole (Carter), Curtiss, Davis, DeBerry, J., Duer, Dunn, Ford, Gunnels, Haley, Halteman, Harwell, Hassell, Huskey, Joyce, Kent, Kerr, McAfee, McDaniel, Napier, Patton, Peach, Ramsey, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Tindell, Venable, Walley, Westmoreland, Williams (Union), Wood -- 41.

Representatives voting no were: Armstrong, Arriola, Beavers, Bell, Bowers, Bragg, Brooks, Callicott, Cole (Dyer), Cross, Davidson, Eckles, Fitzhugh, Fowlkes, Garrett, Givens, Hargrove, Head, Herron, Hicks, Jackson, Jones, S., Jones, U. (Shelby), Kernell, Langster, Lewis, McDonald, McKee, McMillan, Miller, Newton, Odom, Phelan, Phillips, Pinion, Purcell, Ridgeway, Rigsby, Rinks, Stulce, Towns, Turner (Hamilton), Turner (Shelby), West, White, Williams (Williamson), Windle, Winningham -- 48.

Representatives present and not voting were: Brown, Cantrell, Chumney, DeBerry, L., Kisber, Rhinehart, Whitson, Mr. Speaker Naifeh -- 8.

A motion to reconsider was tabled.

Having failed to receive a constitutional majority, Senate Bill No. 2461, was re-referred to the Committee on Calendar and Rules.

**House Bill No. 3227** -- Private Protective Services - Revises licensing, training, and duties of private protective services officers. Amends TCA Title 39; Title 40 and Title 62, Chapter 35. by \*Beavers. (\*SB3216 by \*Jordan)

Rep. Beavers moved that House Bill No. 3227 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 3227 is amended by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 62-35-120, is amended by designating the existing language as subsection (a) and by adding a new subsection thereto, as follows:

(b) A security officer/guard shall provide written notice to the commissioner or his designee and to the licensee or the proprietary security organization which employs the security officer/guard of any arrest and resulting conviction, except for minor traffic violations, within thirty (30) days of such arrest or conviction.

SECTION 2. Tennessee Code Annotated, Section 62-35-124, is amended by designating the existing language as subsection (a) and by adding a new subsection thereto, as follows:

(b) A licensee or proprietary security organization shall provide written notice to the commissioner or his designee of any arrest and/or conviction, except for minor traffic violations, within thirty (30) days of being notified or learning of such arrest and/or conviction of:

(1) The licensee or its qualifying agent; or

(2) Any person employed as a security officer/guard by the licensee or the proprietary security organization.

SECTION 3. Tennessee Code Annotated, Section 62-35-130, is amended by deleting such section in its entirety and by substituting instead the following new section:

Section 62-35-130. (a) The commissioner may take disciplinary action against a licensee, registrant or applicant, deny an application for a license or registration, or may suspend, revoke, or refuse to issue or renew any certificate, certified trainer license, license or registration card here under upon finding that the holder or applicant has:

(1) Violated any provision of this chapter, or any rule promulgated hereunder;

(2) Practiced fraud, deceit or misrepresentation;

(3) Knowingly and willfully made a material misstatement in connection with an application for a license or registration card;

(4) Been convicted by a court of competent jurisdiction of any felony or of a misdemeanor, if the commissioner finds that such conviction reflects unfavorably on the fitness for such license or registration card; or

(5) Committed any act which would have been cause for refusal to issue such license or registration card had it existed and been known to the commissioner at the time of issuance.

(6) Engaged in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud or harm the public;

(7) Willfully deceived or defrauded a member of the public being protected;

(8) Acted as a contract security company or proprietary security company without a currently valid license;

(8) Acted as an armed or unarmed security officer/guard on a registration card that has expired or without a valid registration card as this chapter requires;

(10) Violated any disciplinary order of the commissioner; or

(11) Has failed or refused to cooperate with any inspection or investigation to determine compliance with this chapter or rules and regulations promulgated pursuant thereto.

(b) In addition to or in lieu of any other lawful disciplinary action under this section, the commissioner may assess a civil penalty of up to five thousand dollars (\$5,000) for each statute or rule violation.

(c) The commissioner may assess a civil penalty of up to five thousand dollars (\$5,000) per occurrence upon any person who operates without the proper license or other authorization required.

(d) A license or registration card shall be subject to expiration and renewal during any period in which such license or registration card is suspended.

SECTION 4. Tennessee Code Annotated, Section 62-35-118(a), is amended by adding a new subdivision thereto, as follows:

(5) For applicants for private security officer/guard registration who will carry a club, stun gun, chemical spray, night stick, or other nonlethal device, the commissioner shall require appropriate training specific to such device by a certified trainer who is certified to instruct for such specific device. It shall be the employers' responsibility to keep training records of their employees for each specific device. The security officer/guard shall also have in his/her

possession a certification card issued by an instructor/trainer who is certified to train/instruct in the legal use of such specific device and shall exhibit such card upon demand by the commissioner or his duly authorized agent or any full-time law enforcement officer.

SECTION 5. Tennessee Code Annotated, Section 62-35-102(16), is amended by adding the following as new subdivision (C) and by relettering the existing subdivision (C) and subsequent subdivision accordingly:

(C) Enforce rules, regulations or local or state laws on private property;

SECTION 6. Tennessee Code Annotated, Section 62-35-102, is amended by deleting subdivision (1) in its entirety and by substituting instead the following:

(1) "Armed security officer/guard" means a security officer/guard who at any time wears, carries, possesses, or has access to a firearm, or any facsimile of any firearm which may leave the impression that such person is armed, and who works in plainclothes or wears dress of a distinctive design or fashion, or dress having any symbol, badge, emblem, insignia or device which identifies or tends to identify the wearer as a security officer/guard;

SECTION 7. Tennessee Code Annotated, Section 62-35-102, is further amended by deleting subdivision (19) in its entirety and by substituting instead the following:

(19) "Unarmed security officer/guard" means a security officer/guard who never wears, carries, or has access to a firearm, or any facsimile of a firearm, which may leave the impression that such person is armed with a firearm, but who may carry other non-lethal devices as prescribed herein with the proper certification, and who works in plainclothes or wears dress of a distinctive design or fashion, or dress having any symbol, badge, emblem, insignia, or device which identifies or tends to identify the wearer as a security officer/guard;

SECTION 8. Tennessee Code Annotated, Section 62-35-103(a), is further amended by deleting subdivision (8) in its entirety and by substituting instead the following:

(8) A full-time sworn peace officer receiving compensation for services as a guard, patrolman or watchman under a contract with a private business which is properly licensed by the state of Tennessee;

SECTION 9. Tennessee Code Annotated, Section 62-35-103(a), is further amended by deleting subdivisions (7), (10) and (11) in their entirety.

SECTION 10. Tennessee Code Annotated, Section 62-35-120, is amended by deleting such section in its entirety and by substituting instead the following:

The receipt, application or registration card shall be exhibited upon request of the commissioner or his designee, full-time law enforcement officer, or an employer to verify that the security officer/guard is working pursuant to the requirements of this chapter.

SECTION 11. Tennessee Code Annotated, Section 62-35-122, is amended by deleting subsections (a), (b) and (c) in their entirety and by substituting instead the following:

(a) All registration cards, or renewals thereof, shall expire two (2) years from date of issuance.

(b) The commissioner shall establish the fees in reasonable amounts for the timely renewal of armed or unarmed registration cards.

(c) Registrations may be renewed up to three (3) months after their expiration by payment of the renewal fee plus a penalty established by the commissioner for each month or portion thereof which elapses before payment is tendered.

SECTION 12. Tennessee Code Annotated, Section 62-35-125, is amended by deleting such section in its entirety and by substituting instead the following:

An armed security officer/guard may carry only such types of firearms as the commissioner shall, by rules and regulations, prescribe in the performance of his/her duties. A security officer/guard may carry a firearm only if he/she is certified to carry such firearm. With proper certification an unarmed or armed security officer/guard may carry any other type weapon to include but not be limited to clubs/batons, stun guns, chemical sprays, or any other tool or weapon that the commissioner may prescribe.

SECTION 13. Tennessee Code Annotated, Section 62-35-128, is amended by adding the following language to the end of subdivisions (1) and (2):

, unless the licensed security officer is in plain clothes;

SECTION 14. Tennessee Code Annotated, Section 62-35-131, is amended by deleting such section in its entirety and by substituting instead the following:

(a)

(1) No licensee or registrant shall be required to obtain any authorization, permit, or license from or to pay any other fee or post a bond in any municipality, county or other political subdivision of this state to engage in any business or activity regulated under this chapter.

(2) Notwithstanding the provisions of subdivision (a)(1), a municipality, county or other political subdivision of this state may impose:

(A) A bona fide business tax; and

(B) Regulations upon any person who furnishes street patrol services, including a requirement that such person register with a designated agency.

(b) Any person not bonded and sworn as a law enforcement officer, but who is properly registered as an armed security officer/guard as defined herein, shall not carry a firearm unless such person first applies for and receives a written directive as provided by this chapter from the chief law enforcement officer of the county of such person's company's permanent business address. In any county having a metropolitan form of government the chief of police shall be the chief law enforcement officer (CLEO.). In counties not having a metropolitan form of government the sheriff shall be the chief law enforcement officer (CLEO.). When a security officer/guard is working in another jurisdiction other than the primary county of issuance, the chief law enforcement officer of the county in which such security officer/guard is working shall be notified where the security guard(s)/officer(s) will be assigned and the length of the assignment. This shall be done in writing by the employer of the security officer/guard, unless other arrangements are made with the chief law enforcement officer of the county, within five (5) days of the date of first service. The chief law enforcement officer and his officer/deputies shall recognize the state-issued security armed card and the primary directive as valid in their jurisdiction while any security officer/guard is traveling to or from a job site and while performing his/her duties while at the job site, or while any representative of a security company, supervisor or officers are traveling to or from job sites, or operating as a street patrol service.

(c) The chief law enforcement officer shall require an individual to present proof of compliance with this chapter, and shall notify the commissioner, or his designee, of any objection to the issuance of any written directive within ten (10) days of the date of receiving such request from an applicant for a written directive.

(d) The chief law enforcement officer shall waive the provisions relative to training for those individuals properly and duly registered and in possession of a valid armed registration card. If a valid objection exists, however, proof or information indicating training should not be waived shall be sent to the commissioner or his designee within ten (10) days of such objection, along with a written explanation of the chief law enforcement officer's objection.

(e) Upon compliance with the provisions of this section, the chief law enforcement officer shall issue a written directive authorizing such individual to carry a firearm for the purpose of employment only. Such directive shall be valid in all jurisdictions of the state while the security officer/guard is performing his official duties for a specific employer.

(f) On the front of such directive shall be displayed the name, photograph, thumbprint, physical characteristics and signature of the person to whom the directive is issued, as well as the chief law enforcement officer's identification number, date of issue and signature of the chief law enforcement officer.

(g) On the back of such directive shall be displayed the conditions for carrying of a firearm, a statement that the bearer of this written directive must have in his possession a valid armed security officer/guard registration card, also the make, model and caliber of any firearms to be carried, and an expiration date which shall coincide with the expiration date of the individual's armed security officer/guard registration card.

(h) The written directive shall be issued in a wallet-sized card and shall be permanently laminated.

(i) The chief law enforcement officer may charge a reasonable fee of not more than twenty-five dollars (\$25.00) for the issuance and administration of the written directive. Upon expiration or change of employment/employer, or revocation or suspension of an individual's armed security officer/guard registration card, the directive shall be immediately returned to the possession of the chief law enforcement officer issuing such directive. The chief law enforcement officer shall at all times reserve the right to refuse to issue, revoke or suspend the authorization to carry a firearm at such time as he finds just cause which indicates the person's disqualification to carry a firearm and shall notify the commissioner within ten (10) days of his decision.

(j) If the chief law enforcement officer (CLEO) denies a written directive, the chief law enforcement officer (CLEO) shall notify the applicant in writing within ten (10) days of such determination. The written notice shall be marked confidential and personal and shall

**MONDAY, APRIL 22, 1996 -- EIGHTY- SEVENTH LEGISLATIVE DAY**

state the specific factual basis for the chief law enforcement officer's (CLEO's) determination. It shall include a copy of any reports, record and/or inquiries reviewed or relied upon by the CLEO and shall notify the applicant that the applicant has a right to bring an action to challenge the denial of an application.

(k) Anyone intentionally failing to return a written directive within three (3) business days to the issuing chief law enforcement officer commits a Class A misdemeanor.

SECTION 15. Tennessee Code Annotated, Section 62-35-134(c)(3), is amended by deleting the word "firearm" and by substituting instead the language "firearm or facsimile of any firearm or item which may leave the impression that such security officer is armed with a firearm of any type".

SECTION 16. Tennessee Code Annotated, Section 62-35-134(c)(4), is amended by deleting the word "firearm" and by substituting instead the language "firearm or facsimile of any firearm or item which may leave the impression that such security officer is armed with a firearm of any type".

SECTION 17. Tennessee Code Annotated, Section 62-35-136, is amended by deleting such section in its entirety and by substituting instead the following:

Except as otherwise provided in this chapter, or in any rule or regulation promulgated pursuant thereto, a violation of this chapter, or any rule promulgated hereunder, is a Class A misdemeanor.

SECTION 18. Tennessee Code Annotated, Title 62, Chapter 35, is amended by adding a new section thereto, as follows:

No city, county, or urban county government shall occupy any part of the field of regulation of private protective services unless expressly provided for herein.

SECTION 19. Tennessee Code Annotated, Section 39-13-102(d), is amended by inserting the language ", or a state registered security officer/guard performing an official duty" after the words "parole officer" and before the words "or an employee".

SECTION 20. Tennessee Code Annotated, Section 39-17-1308 is amended by deleting subdivision (8) in its entirety and by substituting instead the following:

(8) By a person possessing a club/baton who holds a valid state security officer/guard registration card as a private security officer/guard, issued by the commissioner, and who also has certification that he has had training in the use of club/baton which is



valid and issued by a person certified to give training in the use of clubs/batons.

SECTION 21. Tennessee Code Annotated, Section 39-17-1308 is amended by adding a new subdivision thereto, as follows:

(9) By any person possessing a club/baton who holds a certificate that he has had training in the use of a club/baton for self-defense which is valid and issued by a certified person authorized to give training in the use of clubs/batons, and is not prohibited from purchasing a firearm under any local, state or federal laws;

SECTION 22. Tennessee Code Annotated, Section 39-11-106 is amended by adding the following as new item (33) and by renumbering the existing item (33) and subsequent items accordingly:

(33) Security officer/guard means an individual employed to perform any function of a security officer/guard and security officer/guard patrol service as set forth in title 62, chapter 35;

SECTION 23. Tennessee Code Annotated, Section 39-17-1311(b), is further amended by adding a new item thereto as follows:

( ) A registered security officer/guard, who meets the requirements of title 62, chapter 35, while in the performance of his duties;

SECTION 24. Tennessee Code Annotated, Section 39-17-1309(e), is amended by adding a new subdivision thereto, as follows:

( ) Any registered security officer/guard who meets the requirements of title 62, chapter 35, and who is discharging his official duties;

SECTION 25. Tennessee Code Annotated, Section 62-35-129, is further amended by adding a new subsection thereto, as follows:

(e) The commissioner or his designee may at all reasonable hours conduct inspections/investigations of contract security companies, proprietary security organizations, and security officer/guards to ensure compliance with this chapter.

SECTION 26. Tennessee Code Annotated, Section 62-35-110, is amended by deleting subsection (c) in its entirety and by substituting instead the following:

(c) Licenses may be renewed up to three (3) months after their expiration by the payment of the renewal fee plus a penalty

established by the commissioner for each month or portion thereof which elapses before payment is tendered.

SECTION 27. Tennessee Code Annotated, Section 62-35-126, is amended by adding a new subsection thereto, as follows:

( ) Certifications may be renewed up to three (3) months after their expiration by payment of the renewal fee plus a penalty established by the commissioner for each month or portion thereof which elapses before payment is tendered.

SECTION 28. Tennessee Code Annotated, Section 62-35-102(16), is amended by deleting subpart (C) and substituting instead the following:

(C) Control, regulation or direction of the flow or movements of the public, whether by vehicle or otherwise on private property; or

SECTION 29. For the purpose of promulgating rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes this act shall take effect November 1, 1996, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Beavers moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 3227 by deleting in the amendatory language of Section 4, as amended, the language "nonlethal" and by substituting instead the language "less than lethal".

On motion, Amendment No. 2 was adopted.

Rep. McDaniel moved the previous question, which motion prevailed.

Rep. Beavers moved that **House Bill No. 3227**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	75
Noes .....	14
Present and not voting.....	5

Representatives voting aye were: Armstrong, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Eckles, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hassell, Head, Hicks, Huskey, Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, McAfee, McDaniel, McDonald, McKee, Miller, Napier, Newton, Odom, Patton, Peach, Phelan,

**MONDAY, APRIL 22, 1996 -- EIGHTY- SEVENTH LEGISLATIVE DAY**

Phillips, Pruitt, Ramsey, Rhinehart, Rigsby, Roach, Sharp, Shirley, Stamps, Tindell, Towns, Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Union), Wood, Mr. Speaker Naifeh -- 75.

Representatives voting no were: Arriola, Fitzhugh, Hargrove, Herron, Lewis, McMillan, Purcell, Rinks, Stulce, Turner (Hamilton), White, Williams (Williamson), Windle, Winningham -- 14.

Representatives present and not voting were: Boyer, Brown, Jackson, Pinion, Ritchie -- 5.

A motion to reconsider was tabled.

**House Joint Resolution No. 565** -- Memorials, Academic Achievement - Sonya Smith, 1996 Valedictorian, Lebanon High School. by \*Beavers.

Further consideration of House Joint Resolution No. 565, previously considered on April 18, 1996, and reset to today's Calendar.

On motion of Rep. Beavers, **House Joint Resolution No. 565** was withdrawn from the House.

**\*Senate Joint Resolution No. 4** -- Constitutional Amendments - Removes constitutional prohibition on lotteries. by \*Cohen.

Further consideration of Senate Joint Resolution No. 4, previously read on April 11, 1996, April 15, 1996, and April 18, 1996, at which time the House was on the motion to adopt Amendment No. 1, and reset to today's Calendar.

Rep. Kernell moved that Senate Joint Resolution No. 4 be concurred in.

Rep. Kernell moved that Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Jackson moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Jackson moved that Amendment No. 8 be substituted for Amendment No. 3, which motion prevailed.

Rep. Herron moved adoption of Amendment No. 8 as follows:

**Amendment No. 8**

AMEND Senate Joint Resolution No. 4 by deleting all language after the caption and substituting instead the following:

BE IT RESOLVED BY THE SENATE OF THE NINETY-NINTH  
GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF

REPRESENTATIVES CONCURRING, That a majority of all the members of each house concurring, as shown by the yeas and nays entered on their journals, that the period at the end of Article XI, Section 5, of the Constitution of Tennessee be changed to a comma and the following new language be added:

except that the Legislature may authorize a state lottery if the net proceeds of the lottery's revenues are allocated to education. All other forms of lottery not authorized herein are expressly prohibited.

BE IT FURTHER RESOLVED, That the foregoing be referred to the One-Hundredth General Assembly and that this resolution proposing such amendment be published in accordance with Article XI, Section 3, of the Constitution of Tennessee.

Rep. Bragg moved to amend as follows:

**Amendment No. 1 to Amendment No. 8**

AMEND Amendment No. 8 by deleting from the first resolving clause the language "if the net proceeds of the lottery's revenues are allocated to education".

Rep. Kernell moved that Amendment No. 1 to Amendment No. 8 be tabled, which motion failed by the following vote:

Ayes.....	14
Noes .....	82
Present and not voting.....	1

Representatives voting aye were: Chumney, DeBerry, L., Haley, Halteman Harwell, Jones, S., Miller, Odom, Patton, Pruitt, Ritchie, Robinson, Stamps, Stulce, Tindell -- 14.

Representatives voting no were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Joyce, Kent, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Napier, Newton, Peach, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Roach, Sharp, Shirley, Towns, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeih -- 82.

Representatives present and not voting were: Garrett -- 1.

On motion, Amendment No. 1 to Amendment No. 8 was adopted by the following vote:

**MONDAY, APRIL 22, 1996 -- EIGHTY- SEVENTH LEGISLATIVE DAY**

Ayes ..... 88  
Noes ..... 8  
Present and not voting ..... 1

Representatives voting aye were: Arriola, Beavers, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Roach, Robinson, Sharp, Shirley, Stamps, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Winningham, Wood, Mr. Speaker Naifeh -- 88.

Representatives voting no were: Armstrong, Chumney, DeBerry, L., Pruitt, Ritchie, Stulce, Tindell, Windle -- 8.

Representatives present and not voting were: Bell -- 1.

Rep. Jackson moved the previous question on Amendment No. 8, as amended, which motion failed by the following vote:

Ayes ..... 56  
Noes ..... 36

Representatives voting aye were: Armstrong, Beavers, Bell, Bird, Bittle, Boyer, Bragg, Buck, Burchett, Byrd, Cantrell, Clabough, Cole (Carter), Cole (Dyer), Cross, Davidson, Duer, Fitzhugh, Fowlkes, Garrett, Givens, Haley, Halteman Harwell, Herron, Hicks, Huskey, Jackson, Jones, S., Jones, U. (Shelby), Kent, Kerr, Lewis, McAfee, McDonald, McMillan, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Purcell, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Stulce, Tindell, Walley, West, Whitson, Wood -- 56.

Representatives voting no were: Bowers, Brooks, Brown, Callicott, Chumney, Coffey, Curtiss, DeBerry, L., Dunn, Eckles, Ford, Gunnels, Hassell, Head, Jones, R. (Shelby), Joyce, Kisber, Langster, McDaniel, McKee, Miller, Phillips, Ramsey, Rhinehart, Shirley, Stamps, Towns, Turner (Hamilton), Turner (Shelby), Venable, Westmoreland, White, Williams (Union), Williams (Williamson), Windle, Winningham -- 36.

Rep. Rhinehart moved the previous question on Amendment No. 8, as amended, which motion prevailed.

On motion, Amendment No. 8, as amended, was adopted by the following vote:

Ayes ..... 79  
Noes ..... 6  
Present and not Voting ..... 4

**MONDAY, APRIL 22, 1996 -- EIGHTY- SEVENTH LEGISLATIVE DAY**

Representatives voting aye were: Armstrong, Beavers, Bell, Bittle, Bowers, Boyer, Bragg, Brooks, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Duer, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Joyce, Kent, Kisber, Langster, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Purcell, Ramsey, Ridgeway, Rinks, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 79.

Representatives voting no were: Bird, Jones, S., Kerr, Phelan, Pruitt, Rhinehart -- 6.

Representatives present and not voting were: Brown, Lewis, Ritchie, Whitson -- 4.

A motion to reconsider was tabled.

Rep. Buck moved that Amendment No. 4 be withdrawn and that Amendment No. 9 be substituted, which motion prevailed.

Rep. Buck moved adoption of Amendment No. 9 as follows:

**Amendment No. 9**

AMEND Senate Joint Resolution No. 4 by deleting all language after the caption and substituting instead the following:

BE IT RESOLVED BY THE SENATE OF THE NINETY-NINTH  
GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF  
REPRESENTATIVES CONCURRING, That a majority of all the  
members of each house concurring, as shown by the yeas and nays entered  
on their journals, that the period at the end of Article XI, Section 5, of the  
new Constitution of Tennessee be changed to a comma and the following  
language be added:

except that the Legislature may authorize a state lottery.

All other forms of gambling except a state operated lottery, pari-mutual wagering, and raffles and bingo conducted by not-for-profit organizations for religious, charitable or educational purposes are expressly prohibited and the Legislature shall pass laws prohibiting all such forms of gambling.

BE IT FURTHER RESOLVED, That the foregoing be referred to the One-Hundredth General Assembly and that this resolution proposing such amendment be published in accordance with Article XI, Section 3, of the Constitution of Tennessee.

On motion, Amendment No. 9 failed by the following vote:

**MONDAY, APRIL 22, 1996 -- EIGHTY- SEVENTH LEGISLATIVE DAY**

Ayes ..... 34  
Noes ..... 53

Representatives voting aye were: Armstrong, Bell, Bowers, Brooks, Brown, Buck, Callicott, Chumney, Cole (Carter), Curtiss, DeBerry, L., Givens, Halteman Harwell, Hassell, Head, Jones, R. (Shelby), Jones, S., Joyce, Kent, Kisber, McDaniel, McKee, Miller, Odom, Phelan, Rinks, Robinson, Shirley, Stamps, Turner (Hamilton), Venable, West, Westmoreland, Williams (Williamson) -- 34.

Representatives voting no were: Beavers, Bird, Bittle, Boyer, Burchett, Byrd, Cantrell, Clabough, Coffey, Cole (Dyer), Cross, Davidson, Duer, Dunn, Fitzhugh, Ford, Fowlkes, Garrett, Gunnels, Haley, Hargrove, Herron, Hicks, Huskey, Jackson, Jones, U. (Shelby), Kerr, Langster, Lewis, McAfee, McDonald, McMillan, Napier, Newton, Patton, Peach, Pinion, Ramsey, Rhinehart, Ritchie, Roach, Sharp, Stulce, Tindell, Towns, Turner (Shelby), Walley, White, Whitson, Williams (Union), Windle, Winningham, Wood -- 53.

Rep. Givens moved the previous question, which motion failed by the following vote:

Ayes ..... 49  
Noes ..... 38

Representatives voting aye were: Armstrong, Beavers, Bittle, Buck, Burchett, Byrd, Cantrell, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, Duer, Fitzhugh, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hicks, Huskey, Jackson, Jones, S., Jones, U. (Shelby), Joyce, Kerr, McAfee, McDonald, McKee, Napier, Newton, Odom, Pinion, Ridgeway, Rinks, Ritchie, Roach, Stamps, Stulce, Tindell, Walley, West, White, Williams (Williamson), Windle, Winningham -- 49.

Representatives voting no were: Bird, Bowers, Boyer, Bragg, Brooks, Brown, Callicott, Chumney, DeBerry, L., Dunn, Eckles, Ford, Fowlkes, Hassell, Head, Herron, Jones, R. (Shelby), Kent, Kisber, Lewis, McDaniel, McMillan, Miller, Patton, Peach, Pruitt, Purcell, Ramsey, Rhinehart, Robinson, Sharp, Shirley, Towns, Turner (Shelby), Venable, Westmoreland, Williams (Union), Wood -- 38.

Rep. Bragg moved that Amendment No. 5 be withdrawn, which motion prevailed.

Rep. Kernell requested that House Amendment No. 6 be moved down 1 place.

Rep. Herron moved that Amendment No. 7 be withdrawn, which motion prevailed.

Rep. Kernell requested that Amendment No. 6 be moved to the heel of the Amendments.

Rep. Jones U (Shelby) moved that Amendment No. 10 be withdrawn, which motion prevailed.

Rep. Kernell moved adoption of Amendment No. 6 as follows:

**Amendment No. 6**

AMEND Senate Joint Resolution No. 4 by deleting the first resolving clause and substituting instead the following:

GENERAL BE IT RESOLVED BY THE SENATE OF THE NINETY-NINTH  
ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF  
REPRESENTATIVES CONCURRING, That a majority of all the  
members of each house concurring, as shown by the yeas and nays entered  
on their journals, that the period at the end of Article XI, Section 5, of the  
new Constitution of Tennessee be changed to a comma and the following  
language be added:

except that the Legislature may authorize a state lottery if the  
net proceeds of the lottery's revenues are allocated to a college  
scholarships fund for Tennessee residents to attend the colleges and  
universities in the State of Tennessee and to fund public elementary  
and secondary education.

The Legislature may also authorize and regulate bingo and raffles if  
such bingo and raffles are conducted for not-for-profit organizations for  
religious, charitable, or educational purposes and that such is regulated by a  
non-political board or authority.

The Legislature shall pass laws to prohibit forms of lottery not herein  
permitted.

Rep. Bragg moved to amend as follows:

**Amendment No. 1 to Amendment No. 6**

AMEND Amendment No. 6 by deleting from the first resolving clause the  
language "if the net proceeds of the lottery's revenues are allocated to a college  
scholarships fund for Tennessee residents to attend the colleges and universities in  
the State of Tennessee and to fund public elementary and secondary education".

On motion, Amendment No. 1 to Amendment No. 6 was adopted by the following vote:

Ayes ..... 82  
Noes ..... 9

Representatives voting aye were: Armstrong, Beavers, Bell, Bird, Bowers, Boyer,  
Bragg, Brooks, Buck, Byrd, Callicott, Cantrell, Clabough, Coffey, Cole (Carter), Cole (Dyer),  
Cross, Curtiss, Davidson, Davis, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens,  
Gunnels, Haley, Halteman Harwell, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R.  
(Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kerr, Kisber, Langster, Lewis, McAfee,  
McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan,  
Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Roach,



**MONDAY, APRIL 22, 1996 -- EIGHTY- SEVENTH LEGISLATIVE DAY**

Robinson, Sharp, Shirley, Stamps, Towns, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Winningham, Wood, Mr. Speaker Naifeh -- 82.

Representatives voting no were: Bittle, Burchett, Chumney, DeBerry, L., Ritchie, Stulce, Tindell, Turner (Shelby), Windle -- 9.

A motion to reconsider was tabled.

Rep. Callicott moved the previous question on Amendment No. 6, as amended, which motion prevailed.

On motion, Amendment No. 6, as amended, failed by the following vote:

Ayes .....	40
Noes .....	52

Representatives voting aye were: Bowers, Bragg, Brooks, Brown, Callicott, Cantrell, Chumney, Cole (Carter), Cole (Dyer), Davis, DeBerry, L., Eckles, Ford, Givens, Halteman, Harwell, Head, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Kent, Kisber, Langster, McDaniel, Miller, Odom, Peach, Phelan, Pruitt, Rigsby, Rinks, Robinson, Stamps, Towns, Turner (Hamilton), Venable, West, Westmoreland, Williams (Williamson), Mr. Speaker Naifeh - - 40.

Representatives voting no were: Armstrong, Beavers, Bell, Bird, Bittle, Boyer, Buck, Burchett, Byrd, Clabough, Coffey, Cross, Davidson, Duer, Dunn, Fitzhugh, Fowlkes, Garrett, Gunnels, Haley, Hargrove, Hassell, Herron, Jackson, Jones, U. (Shelby), Joyce, Kerr, Lewis, McAfee, McDonald, McKee, McMillan, Napier, Newton, Patton, Pinion, Ramsey, Rhinehart, Ritchie, Roach, Sharp, Shirley, Stulce, Tindell, Turner (Shelby), Walley, White, Whitson, Williams (Union), Windle, Winningham, Wood -- 52.

Rep. Jones U (Shelby) moved the previous question, which motion prevailed.

Rep. Kernell moved that the House concur in **Senate Joint Resolution No. 4**, as amended, which motion prevailed by the following vote:

Ayes .....	72
Noes .....	23
Present and not voting .....	1

Representatives voting aye were: Armstrong, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Callicott, Cantrell, Chumney, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, S., Jones, U. (Shelby), Kent, Kernell, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Pinion, Pruitt, Purcell, Ridgeway, Rigsby, Rinks, Robinson, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Venable, West, Westmoreland, White, Williams (Williamson), Mr. Speaker Naifeh - - 72.

**MONDAY, APRIL 22, 1996 -- EIGHTY- SEVENTH LEGISLATIVE DAY**

Representatives voting no were: Beavers, Bird, Bittle, Burchett, Byrd, Clabough, Coffey, Dunn, Jones, R. (Shelby), Joyce, Kerr, Phelan, Ramsey, Ritchie, Roach, Sharp, Turner (Shelby), Walley, Whitson, Williams (Union), Windle, Winningham, Wood -- 23.

Representatives present and not voting were: Rhinehart -- 1.

A motion to reconsider was tabled.

**\*House Joint Resolution No. 539** -- Constitutional Amendments - Authorize lotteries, by \*Kernell, \*Arriola, \*Brooks, \*Miller L, \*Langster, \*Chumney, \*Pruitt, \*Odom, \*Givens, \*Callicott.

Further consideration of House Joint Resolution No. 539, previously considered on April 18, 1996, and reset to today's Calendar.

Rep. Kernell moved that House Joint Resolution No(s). 539 be reset to the Regular Calendar for April 23, 1996, which motion prevailed.

**UNFINISHED BUSINESS**

Rep. Purcell moved that today's Message Calendar be reset to the heel of the Message Calendar for April 23, 1996, which motion prevailed.

**RULES SUSPENDED**

Rep. Purcell moved to suspend the rules to allow House Joint Resolution No. 500 to be heard in the House Transportation Committee, which motion prevailed.

**RULES SUSPENDED**

Rep. Purcell moved to suspend the rules for the immediate introduction and passage on first consideration of House Bill No. 3331, which motion prevailed.

**BILLS WITHDRAWN**

On motion of Rep. Bird, **House Bill No. 3250** withdrawn from the House.

**MESSAGE FROM THE SENATE**

**April 22, 1996**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2328; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 22, 1996**

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 1995. The Senate nonconcurred in House Amendment No.1.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 22, 1996**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3052. The Senate lifted the tabling motion; reconsidered passage of the bill; reconsidered adoption of Amendment No. 3; withdrew Amendment No. 3; adopted Amendment No. 4; then repassed the bill on third and final consideration, as amended.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 22, 1996**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2174; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 22, 1996**

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 2136. The Senate nonconcurred in House Amendment No. 1.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**NOTICE TO ACT ON SENATE MESSAGES**

Pursuant to **Rule No. 59**, notice was given that the following measure(s) from the Senate would be considered on April 23, 1996:

**House Bill No. 2328:** by Rep. Buck

**House Bill No. 2417:** by Rep. Fitzhugh

**House Bill No. 3052:** by Rep. McKee

**House Bill No. 2762:** by Rep. Purcell

**House Bill No. 2829:** by Rep. Armstrong

**House Bill No. 2553:** by Rep. Givens

**House Bill No. 2861:** by Rep. Fitzhugh

**House Bill No. 3079:** by Rep. Hargrove

**House Joint Resolution No 278:** by Rep. Head

**House Bill No. 151:** by Rep. Stulce

**House Bill No. 2174:** by Rep. Boyer

**Senate Bill No. 2292:** by Rep. White

**Senate Bill No. 1995:** by Rep. Kernell

**Senate Bill No. 2136:** by Rep. Purcell

**House Bill No. 2288:** by Rep. Beavers

#### ANNOUNCEMENTS

#### REPORT FILED

The Tennessee Advisory Commission on Intergovernmental Relations has filed its report on Accountability for Funding Education in Tennessee with the Clerk's Office pursuant to House Joint Resolution No. 191.

#### SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Joint Resolution No. 448:** Rep(s). West as prime sponsor(s).

**House Joint Resolution No. 551:** Rep(s). West as prime sponsor(s).

**House Bill No. 1020:** Rep(s). McDaniel as prime sponsor(s).

**House Bill No. 2928:** Rep(s). McDaniel as prime sponsor(s).

**House Bill No. 2929:** Rep(s). McDaniel as prime sponsor(s).

**House Bill No. 2943:** Rep(s). Buck as prime sponsor(s).

#### SPONSORS REMOVED

On motion, Rep(s). Bowers was/were removed as sponsor(s) of **House Bill No. 2364**

**MONDAY, APRIL 22, 1996 -- EIGHTY- SEVENTH LEGISLATIVE DAY**

On motion, Rep(s). Fitzhugh was/were removed as sponsor(s) of **House Bill No. 2591**.

On motion, Rep(s). Newton was/were removed as sponsor(s) of **House Bill No. 3126**.

**REQUEST TO BE ADDED AS SPONSOR**

The following member(s) requested to add their name(s) as sponsor(s) as indicated below, the prime sponsor having agreed to such addition. Sponsorship was not granted since request was made after passage/adoption of said bill/resolution:

**House Bill No. 2433:** Rep(s). Bittle.

**ENROLLED BILLS**

**April 22, 1996**

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 549, 876, 1167, 1316, 2114, 2221, 2244, 2275, 2342, 2607, 2654, 2763, 2778, 3264, 3282, 3288, 3289, 3290, 3291, 3293, 3296, 3297, 3298, 3302, 3303 and 3304; House Joint Resolution(s) No(s). 497, 527, 529, 534, 535, 538, 543, 545, 546, 547, 548, 549, 550, 553, 554, 555, 556, 557, 558, 559, 560, 562, 563, 564, 566, 567, 568 and 569; also, House Resolution(s) No(s). 178, 218, 219, 220, 221, 222, 223, 225, 226, 227, 228, 229, 230 and 237.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**

**April 22, 1996**

The Speaker signed the following: House Bill(s) No(s). 549, 876, 1167, 1316, 2114, 2221, 2244, 2275, 2342, 2607, 2654, 2763, 2778, 3264, 3282, 3288, 3289, 3290, 3291, 3293, 3296, 3297, 3298, 3302, 3303 and 3304; House Joint Resolution(s) No(s). 497, 527, 529, 534, 535, 538, 543, 545, 546, 547, 548, 549, 550, 553, 554, 555, 556, 557, 558, 559, 560, 562, 564, 566, 567, 568 and 569; also, House Resolution(s) No(s). 178, 218, 219, 220, 221, 222, 223, 225, 226, 227, 228, 229, 230 and 237.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE GOVERNOR**

**April 22, 1996**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 834, 1952, 1969, 2688, 2693, 2746, 2837, 3059, 3061, 3170 and 3216; also, House Joint Resolution(s) No(s). 437, 439, 451 and 453; with his approval.

HARDY MAYS, Counsel to the Governor.

**MESSAGE FROM THE SENATE**

**April 22, 1996**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1876, 1982, 2077, 2212 and 2454; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 22, 1996**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1973, 2101, 2910, 2980 and 3060; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 22, 1996**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 431 and 571; both concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 22, 1996**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2513; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**\*Senate Bill No. 2513 --** Workers' Compensation - Requires all subcontractors and those engaged in the construction industry to carry workers' compensation insurance regardless of size. Amends TCA Title 50, Chapter 6. by \*Person, \*Crowe.

**MESSAGE FROM THE SENATE**

**April 22, 1996**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 469; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 22, 1996**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 77, 342, 2010, 2017, 2188, 2287, 2481 and 2789; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MONDAY, APRIL 22, 1996 -- EIGHTY- SEVENTH LEGISLATIVE DAY**

**MESSAGE FROM THE GOVERNOR**

**April 22, 1996**

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 378, 404, 438, 509, 510, 511, 512, 514, 515, 517, 518, 519, 520, 521, 522, 524 and 526, with his approval.

HARDY MAYS, Counsel to the Governor.

**MESSAGE FROM THE SENATE**

**April 22, 1996**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2076, 2192, 2326, 2330, 2423, 2584 and 3173; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 22, 1996**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 549, 876, 1167, 1316, 2114, 2221, 2244, 2275, 2342, 2607, 2654, 2763, 2778, 3264, 3282, 3288, 3289, 3290, 3291, 3293, 3296, 3297, 3298, 3302, 3303 and 3304; also, House Joint Resolution(s) No(s). 497, 527, 529, 534, 535, 538, 543, 545, 546, 547, 548, 549, 550, 553, 554, 555, 556, 557, 558, 559, 560, 562, 563, 564, 566, 567, 568 and 569; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 22, 1996**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 768, 2058, 2094, 2161, 2163, 2394, 2514, 2605, 2621, 2645, 2720 and 2984; also, Senate Joint Resolution(s) No(s). 43, 357, 433, 434, 435, 436, 437, 438, 441, 442, 443, 445, 453, 455, 457 and 463; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 22, 1996**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2288; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 22, 1996**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2702; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**\*Senate Bill No. 2702** -- Education - Revises compulsory attendance law to excuse any child, rather than only those 17 or older, when enrollment is not of substantial benefit to child. Amends TCA Title 49, Chapter 6, Part 30. by \*Womack, \*Rochelle, \*Rice, \*Person, \*Holcomb, \*Carter, \*Crowe, \*Wright.

**MESSAGE FROM THE SENATE**

**April 22, 1996**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 508; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**Senate Joint Resolution No. 508** -- Memorials, Death - McAllen Foutch, former Speaker of the House. by \*Burks, \*Henry.

**ENGROSSED BILLS**

**April 22, 1996**

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2370, 2707, 2986 and 3308; also, House Joint Resolution(s) No(s). 570, 572, 573, 574, 575, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 592 and 593.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**April 22, 1996**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2422 and 3179; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 22, 1996**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 927, 1945, 2165, 2188, 2232, 2235, 2253, 2528, 2541, 2688 and 2691; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**\*Senate Bill No. 927** -- Pari-mutuel Betting - Authorizes local government to call referendum on whether pari-mutuel betting on horse racing will be permitted at satellite



**MONDAY, APRIL 22, 1996 -- EIGHTY- SEVENTH LEGISLATIVE DAY**

simulcast teletheaters located in such local government. Amends TCA 4-36-103, 302, 303, 306(b)(2), (3), 401. by \*Ford J.

**\*Senate Bill No. 1945 --** Pensions and Retirement Benefits - Increases military credit from one day of service for two days of military service to day for day credit for the first year and one day of service for two days of military service thereafter. Amends TCA Title 8, Chapter 34, Part 6. by \*Crutchfield.

**\*Senate Bill No. 2165 --** Taxes, Hotel Motel - Exempts Williamson County from prohibition of municipalities enacting hotel motel tax if county levies tax prior to adoption by city. Amends TCA Section 67-4-1425. by \*Jordan.

**\*Senate Bill No. 2188 --** Education - Changes from 45 to 60 number of days allowed for filing objection on state board action under career ladder process. Amends TCA Title 49, Chapter 5, Part 50 through 56. by \*Womack.

**\*Senate Bill No. 2232 --** Taxes, Real Property - Establishes 100 percent property tax exemption for property on National Register of Historic Places, owned by charitable institution, rented less than 120 days a year for two day events; proceeds from rentals used to maintain and upkeep property; applies to Ossili Circle in Knoxville. Amends TCA Title 67, Chapter 5, Part 2. by \*Gilbert.

**\*Senate Bill No. 2235 --** Election Laws - Authorizes extended hours for early voting period for municipal elections in Memphis, Nashville, Knoxville, and Chattanooga Amends TCA Title 2, Chapter 6. by \*Gilbert.

**\*Senate Bill No. 2253 --** County Officers - Adds position of vice chair to county boards of equalization. Amends TCA Title 67. by \*Ford J, \*Ford J, \*Koella.

**\*Senate Bill No. 2528 --** Medicine, Practice of - Specifies state board of medical examiners as independent board. Amends TCA Section 4-3-101, 111, 112, 122, 1008 and 1703; Section 8-30-202 and 209; Title 9, Chapter 4, Part 2; Section 12-3-103; Section 63-6-209, 210, 213 and 214; Section 63-6-101, 102, 104, 204 and 207; Title 63, Chapter 6, Part 1 and Section 68-1-101. by \*Haynes.

**Senate Bill No. 2541 --** Crime, Victims of - Requires judges, sheriff, court administrator and building manager of courthouse in each county to meet and devise plan by September 1, 1996, whereby victim and prosecution witnesses have waiting room separate and secure from defendant and defense witnesses throughout judicial process. Amends TCA Title 40, Chapter 38, Part 1. by \*Springer.

**\*Senate Bill No. 2688 --** Insurance, Health, Accident - Extends period from 31 to 60 days for providing notification if specific premium or fee is required for coverage for new born child or termination of coverage of dependent child. Amends TCA Title 56. by \*Haun.

**\*Senate Bill No. 2691 --** Eminent Domain - Requires approval of county legislative body where property located if municipality condemns property outside county or county in

**MONDAY, APRIL 22, 1996 -- EIGHTY- SEVENTH LEGISLATIVE DAY**

which municipality located. Amends TCA Title 6, Chapter 54, Part 1. by \*Wallace, \*Wallace.

**MESSAGE FROM THE SENATE**

**April 22, 1996**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 318, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502 and 503; All adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**\*Senate Joint Resolution No. 318 --** Memorials, Government Officials - Expresses support for salary increase for state employees; urges governor to include 8 percent salary increase for all state employees in General Appropriations Act for FY 1996-1997. by \*Dixon.

**Senate Joint Resolution No. 491 --** Memorials, Retirement - Clyde W. McCullough, Jr., Chief Clerk of the Senate. by \*Wilder, \*Atchley, \*Burks, \*Carter, \*Cohen, \*Cooper, \*Crowe, \*Crutchfield, \*Dixon, \*Elsea, \*Ford J, \*Fowler, \*Gilbert, \*Hamilton, \*Harper, \*Haun, \*Haynes, \*Henry, \*Holcomb, \*Jordan, \*Koella, \*Kyle, \*Leatherwood, \*McNally, \*Miller J, \*O'Brien, \*Person, \*Rice, \*Rochelle, \*Springer, \*Wallace, \*Wilder, \*Womack, \*Wright.

**Senate Joint Resolution No. 492 --** Memorials, Public Service - Theodore G. White, Jr., Montgomery County Citizen of the Year. by \*Rice.

**Senate Joint Resolution No. 493 --** Memorials, Interns - Kevin Davenport. by \*Womack.

**Senate Joint Resolution No. 494 --** Memorials, Interns - Debra Caston. by \*Womack.

**Senate Joint Resolution No. 495 --** Memorials, Interns - Megan A. Kingree. by \*Elsea.

**Senate Joint Resolution No. 496 --** Memorials, Public Service - Paul M. Starnes. by \*Crutchfield, \*Atchley, \*Burks, \*Carter, \*Cohen, \*Cooper, \*Crowe, \*Dixon, \*Elsea, \*Ford J, \*Fowler, \*Gilbert, \*Hamilton, \*Harper, \*Haun, \*Haynes, \*Henry, \*Holcomb, \*Jordan, \*Koella, \*Kyle, \*Leatherwood, \*McNally, \*Miller J, \*O'Brien, \*Person, \*Rice, \*Rochelle, \*Springer, \*Wallace, \*Wilder, \*Womack, \*Wright.

**Senate Joint Resolution No. 497 --** Memorials, Public Service - William C. Evans. by \*Crutchfield.

**Senate Joint Resolution No. 498 --** Memorials, Public Service - Kyle Edward Chinouth. by \*Crowe.

**Senate Joint Resolution No. 499 --** Memorials, Sports - East Tennessee State University men's golf team. by \*Crowe.

**MONDAY, APRIL 22, 1996 -- EIGHTY- SEVENTH LEGISLATIVE DAY**

**Senate Joint Resolution No. 500** -- Memorials, Public Service - Officer D'Mitri Cannon, D.A.R.E. program. by \*Burks.

**Senate Joint Resolution No. 501** -- Memorials, Interns - Ginger Almon. by \*Burks.

**Senate Joint Resolution No. 502** -- Memorials, Interns - Catheryne Pulley. by \*Gilbert.

**Senate Joint Resolution No. 503** -- Memorials, Interns - Chris Mathews. by \*Gilbert.

**ENGROSSED BILLS**

**April 22, 1996**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 3227.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ROLL CALL**

The roll call was taken with the following results:

Present ..... 99

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

**RECESS MOTION**

On motion of Rep. Purcell, the House recessed until 1:00 p.m., Tuesday, April 23, 1996.